The Destruction of American Indian Families

Edited by Steven Unger

Association on American Indian Affairs: New York
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EDITOR'S PREFACE

Unwarranted and unjust governmental interference with Indian family life is perhaps the most flagrant infringement of the right of Indian tribes to govern themselves in our time and the most tragic aspect of contemporary Indian life. Indian children are today being removed from their families to be placed in adoptive care, foster care, special institutions, and federal boarding schools at rates grossly disproportionate to non-Indian rates.

The separation of Indian children from their families frequently occurs in situations where one or more of the following exist: (1) the natural parent does not understand the nature of the documents or proceedings involved; (2) neither the child nor the natural parents are represented by counsel or otherwise advised of their rights; (3) the public officials involved are unfamiliar with, and often disdainful of, Indian culture and society; (4) the conditions which led to the separation are not demonstrably harmful or are remediable or transitory in character; and (5) responsible tribal authorities and Indian community agencies are not consulted about or even informed of the actions.

The continuing bias of government policy is to coerce Indian families to conform to non-Indian child-rearing standards. Indian tribes are asking state and federal governments to stop "saving" Indian families in this way and, instead, recognize and respect the rights and traditional strengths of Indian children, families and tribes.

In the past decade the Association on American Indian Affairs (AAIA) has reunited scores of Indian families whose children were taken from them by federal and state agencies without just cause and without due process of law. During the course of this work, the AAIA realized the crying need of concerned professionals and lay people for a regular source of information that would collect and expose the isolated experiences of different tribes and demonstrate the national scope of the Indian child-welfare crisis. In 1974 the Association began publishing Indian Family Defense, a newsletter exclusively concerned with Indian child-welfare issues. To respond to the need for a more comprehensive source of information than a newsletter could provide, publication of this volume was undertaken.

The essays included here examine the Indian child-welfare crisis in contemporary, legal and historical perspectives; document the human cost of the crisis to Indian parents, children and communities; and report on innovative programs designed and implemented by the Indian tribes themselves. The essays by Aileen Red Bird and Patrick Melendez, Joseph Westermeyer ("Ravage of Indian Families"), Evelyn Blanchard ("Question of Best Interest"), Carl Mindell and Alan
Gurwitt, as well as the various tribal resolutions, are here published for the first time. Those by William Byler, Senator Abourezk, Carolyn Attoeave, Robert Bergman, and one by Evelyn Blanchard ("Child Welfare in the Albuquerque Area") originated as testimony at Indian child-welfare oversight hearings held by the Senate Subcommittee on Indian Affairs in April 1974. The others are reprinted from scattered professional journals and other works, cited in the text.

The authors, Indian and non-Indian professionals and para-professionals concerned with Indian child welfare, agree that a situation of profound prejudice and discrimination exists, and that continuation of present state and federal policies is the most detrimental alternative for Indian families.

The Association hopes this volume will assist American Indian tribes and urban Indian communities in their developing efforts to protect and strengthen Indian family life, and will alert the general public to the tragic dimensions of the destruction of Indian family life taking place in urban and reservation Indian communities throughout the United States. It is also our hope that this book will help stimulate the reforms that are so urgently needed.

Steven Unger
Association on American Indian Affairs

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Note to the Third Printing—On November 8, 1978 the Indian Child Welfare Act (Public Law 95-608) was signed into law. It is based on Congressional hearings and other studies, including some presented in this book, which have documented that an alarmingly high percentage of Indian families have been broken up by the removal, often unwarranted, of their children from them.

October 1979

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THE DESTRUCTION OF AMERICAN INDIAN FAMILIES

WILLIAM BYLER

The wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today.

Surveys of states with large Indian populations conducted by the Association on American Indian Affairs (AAIA) in 1969 and again in 1974 indicate that approximately 25-35 per cent of all Indian children are separated from their families and placed in foster homes, adoptive homes, or institutions. In some states the problem is getting worse: in Minnesota, one in every eight Indian children under eighteen years of age is living in an adoptive home; and, in 1971-72, nearly one in every four Indian children under one year of age was adopted.

The disparity in placement rates for Indian and non-Indian is shocking. In Minnesota, Indian children are placed in foster care or in adoptive homes at a per-capita rate five times greater than non-Indian children. In Montana, the ratio of Indian foster-care placement is at least 13 times greater. In South Dakota, 40 per cent of all adoptions made by the State's Department of Public Welfare since 1967-68 are of Indian children, yet Indians make up only 7 per cent of the juvenile population. The number of South Dakota Indian children living in foster homes is, per capita, nearly 16 times greater than the non-Indian rate. In the state of Washington, the Indian adoption rate is 19 times greater and the foster-care rate ten times greater. In Wisconsin, the risk run by Indian children of being separated from their parents is nearly 1600 per cent greater than it is for non-Indian children. Just as Indian children are exposed to these great hazards, their parents are too.

The federal boarding-school and dormitory programs also contribute to the destruction of Indian family and community life. The Bureau of Indian Affairs (BIA), in its school census for 1971, indicates that 34,538 children live in its institutional facilities rather than at home. This represents more than 17 per cent of the Indian school-age population of federally-recognized reservations and 60 per cent of the
Destruction of American Indian Families

children enrolled in BIA schools. On the Navajo Reservation, about 20,000 children or 90 per cent of the BIA school population in grades K-12, live at boarding schools. A number of Indian children are also institutionalized in mission schools, training schools, etc.

In addition to the trauma of separation from their families, most Indian children in placement or in institutions have to cope with the problems of adjusting to a social and cultural environment much different than their own. In 16 states surveyed in 1969, approximately 85 per cent of all Indian children in foster care were living in non-Indian homes. In Minnesota today, according to State figures, more than 80 per cent of non-related adoptions of Indian children are made by non-Indian couples. Few states keep as careful or complete child-welfare statistics as Minnesota does, but informed estimates by welfare officials elsewhere suggest that this rate is the norm. In most federal and mission boarding schools, a majority of the personnel is non-Indian.

It is clear then that the Indian child-welfare crisis is of massive proportions and that Indian families face vastly greater risks of involuntary separation than are typical of our society as a whole.

Some Causing Factors

How are we to account for this disastrous situation? The reasons appear very complex, and we realize we are far from perceiving them clearly or in their entirety. Here we can only offer a rough sketch of some of the factors. These include a lack of rational federal and state standards governing child-welfare matters, a breakdown in due process, economic incentives, and the harsh social conditions in so many Indian communities. Our observations are based on a number of years experience working with Indian communities and in the courts in defense of Indian family life.

Standards. The Indian child-welfare crisis will continue until the standards for defining mistreatment are revised. Very few Indian children are removed from their families on the grounds of physical abuse. One study of a North Dakota reservation showed that these grounds were advanced in only 1 per cent of the cases. Another study of a tribe in the Northwest showed the same incidence. The remaining 99 per cent of the cases were argued on such vague grounds as “neglect” or “social deprivation” and on allegations of the emotional damage the children were subjected to by living with their parents. Indian communities are often shocked to learn that parents they regard as excellent care-givers have been judged unfit by non-Indian social workers.

In judging the fitness of a particular family, many social workers, ignorant of Indian cultural values and social norms, make decisions that are wholly inappropriate in the context of Indian family life and so they frequently discover neglect or abandonment where none exists.

For example, the dynamics of Indian extended families are largely misunderstood. An Indian child may have scores of, perhaps more than a hundred, relatives who are counted as close, responsible members of the family. Many social workers, untutored in the ways of Indian family life or assuming them to be socially irresponsible, consider leaving the child with persons outside the nuclear family as neglect and thus as grounds for terminating parental rights.

In the Decoteau case, the South Dakota Department of Public Welfare petitioned a State court to terminate the rights of a Sisseton-Wahpeton Sioux mother to one of her two children on the grounds that he was sometimes left with his sixty-nine-year-old great-grandmother. In response to questioning by the attorney who represented the mother, the social worker admitted that Mrs. Decoteau's four-year-old son, John, was well cared for, but added that the great-grandmother “is worried at times.”

Because in some communities the social workers have, in a sense, become a part of the extended family, parents will sometimes turn to the welfare department for temporary care of their children, failing to realize that their action is perceived quite differently by non-Indians.

Indian child-rearing practices are also misunderstood in evaluating a child’s behavior and parental concern. It may appear that the child is running wild and that the parents do not care. What is labelled “permissiveness” may often, in fact, simply be a different but effective way of disciplining children. BIA boarding schools are full of children with such spurious “behavioral problems.”

Poverty, poor housing, lack of modern plumbing, and overcrowding are often cited by social workers as proof of parental neglect and are used as grounds for beginning custody proceedings. In a recent California case, the State tried to apply poverty as a standard against a Rosebud Sioux mother and child. At the mother's bidding, the child's aunt took three-year-old Blossom Lavone from the Rosebud Reservation in South Dakota to California. The mother was to follow. By the time she arrived one week later, the child had been placed in a pre-adoptive home by California social workers. The social workers asserted that, although they had no evidence that the mother was unfit, it was their belief that an Indian reservation is an unsuitable environment for a child and that the pre-adoptive parents were financially able to provide a home and a way of life superior to the one furnished by the natural mother. Counsel was successful in returning the child to her mother.

Ironically, tribes that were forced onto reservations at gunpoint and
prohibited from leaving without a permit, are now being told that they
live in a place unfit for raising their children.

One of the grounds most frequently advanced for taking Indian
children from their parents is the abuse of alcohol. However, this
standard is applied unequally. In areas where rates of problem drinking
among Indians and non-Indians are the same, it is rarely applied
against non-Indian parents. Once again cultural biases frequently affect
decision-making. The late Dr. Edward P. Dozier of Santa Clara Pueblo
and other observers have argued that there are important cultural dif-
fferences in the use of alcohol. Yet, by-and-large, non-Indian social
workers draw conclusions about the meaning of acts or conduct in ignorance of
these distinctions.

The courts tend to rely on the testimony of social workers who often
lack the training and insights necessary to measure the emotional risk the
child is running at home. In a number of cases, the AAIA has ob-
tained evidence from competent psychiatrists who, after examining the
defendants, have been able to contradict the allegations offered by
the social workers. Rejecting the notion that poverty and cultural
differences constitute social deprivation and psychological abuse, the
Association argues that the state must prove that there is actual physical
or emotional harm resulting from the acts of the parents.

The abusive actions of social workers would largely be nullified if
more judges were themselves knowledgeable about Indian life and re-
quired a sharper definition of the standards of child abuse and neglect.

Discriminatory standards have made it virtually impossible for most
Indian couples to qualify as foster or adoptive parents, since they are
based on middle-class values. Recognizing that in some instances it is
necessary to remove children from their homes, community leaders
argue that there are Indian families within the tribe who could provide
excellent care, although they are of modest means. While some progress
is being made here and there, the figures cited above indicate that non-
Indian parents continue to furnish almost all the foster and adoptive
care for Indian children.

Due Process. The decision to take Indian children from their
natural homes is, in most cases, carried out without due process of law.
For example, it is rare for either Indian children or their parents to be
represented by counsel or to have the supporting testimony of expert
witnesses.

Many cases do not go through an adjudicatory process at all, since
the voluntary waiver of parental rights is a device widely employed
by social workers to gain custody of children. Because of the avail-
ability of the waivers and because a great number of Indian parents
depend on welfare payments for survival, they are exposed to the
sometimes coercive arguments of welfare departments. In a current

South Dakota entrapment case, an Indian parent in a time of trouble
was persuaded to sign a waiver granting temporary custody to the
State, only to find that this is now being advanced as evidence of
neglect and grounds for the permanent termination of parental rights.
It is an unfortunate fact of life for many Indian parents that the
primary service agency to which they must turn for financial help also
exercises police powers over their family life and is, most frequently,
the agency that initiates custody proceedings.

The conflict between Indian and non-Indian social systems operates
to defeat due process. The extended family provides an example. By
sharing the responsibility of child-rearing, the extended family tends to
strengthen the community's commitment to the child. At the same time,
however, it diminishes the possibility that the nuclear family will be
able to mobilize itself quickly enough when an outside agency acts to
assume custody. Because it is not unusual for Indian children to spend
considerable time away with other relatives, there is no immediate
realization of what is happening—possibly not until the opportunity
for due process has slipped away.

There are the simple abductions. Benita Rowland was taken by
two Wisconsin women with the collusion of a local missionary after
her Oglala Sioux mother was tricked into signing a form purportedly
granting them permission to take the child on a short visit, but in
fact, agreeing to her adoption. It was months before Mrs. Rowland
could obtain counsel and regain her daughter.

It appears that custody proceedings against Indian people are also
sometimes begun, not to rescue the children from dangerous circum-
cstances, but to punish parents and children unjustly for conduct that
is disapproved of. In a recent Nevada case, a Paiute mother had to go
to court to recover her children following her arrest for a motor-
vehicle violation. Parents of Nevada's Duckwater Band of Paiutes were
threatened with the loss of their children when they sought to open
their own school under an approved federal grant and refused to send
their children to a county-run school.

A few years ago, South Dakota tried to send an Oglala Sioux child
to a State training school simply because she changed boarding schools
twice in two months. In a report sent to us by a Minnesota social
worker, she unashamedly recounts threatening her Indian client with
the loss of her children if she is "indiscreet."

And it can be so casual—sometimes just a telephone call from an
attorney or even the mere rumor that there is an attorney in the offing
is enough to persuade a welfare department to drop the case. Some-
times it can be desperate. Ivan Brown was saved because the sheriff,
the social worker and the prospective foster parents fled when the
tribal chairman ran to get a camera to photograph their efforts to
wrest him from his Indian guardian's arms.

**Economic Incentives.** In some instances, financial considerations contribute to the crisis. For example, agencies established to place children have an incentive to find children to place. In towns with large federal boarding facilities, merchants may fight to prevent their closing. Not long ago, in response to political intervention, one boarding school in the Great Plains was being phased out as unnecessary because the children could do better at home. The merchants complained and, again as a result of political pressure, the full school enrollment was restored. Very recently, merchants protested the proposed closing of Intermountain School with its large Navajo enrollment, despite the fact that the closing was advocated by the Navajo Tribe.

The Bureau of Indian Affairs and the Department of Health, Education and Welfare (HEW) bear a part of the responsibility for the current child-welfare crisis. The BIA and HEW both provide substantial funding to state agencies for foster care and thus, in effect, subsidize the taking of Indian children.

Neither the BIA nor HEW effectively monitor the use of these federal funds. Indian community leaders charge that federally-subsidized foster-care programs encourage some non-Indian families to start "baby farms" in order to supplement their meager farm income with foster-care payments and to obtain extra hands for farm work. The disparity between the ratio of Indian children in foster care versus the number of Indian children that are adopted seems to bear this out. For example, in Wyoming in 1969, Indians accounted for 70 per cent of foster-care placements but only 8 per cent of adoptive placements. Foster-care payments usually cease when a child is adopted.

In addition, there are economic disincentives. It will cost the federal and state governments a great deal of money to provide Indian communities with the means to remedy their situation. But over the long run, it will cost a great deal more money not to. At the very least, as a first step, we should find new and more effective ways to spend present funds.

**Social Conditions.** Low income, joblessness, poor health, subsistence housing, and low educational attainment—these are the reasons most often cited for the disintegration of Indian family life. It is not that clear-cut. Not all impoverished societies, whether Indian or non-Indian, suffer from catastrophically high rates of family breakdown.

Cultural disorientation, a person's sense of powerlessness, his loss of self-esteem—these may be the most potent forces at work. They arise, in large measure, from our national attitudes as reflected in long-established federal policy and from arbitrary acts of government.

The main thrust of federal policy, since the close of the Indian wars, has been to break up the extended family, the clan structure, to detribalize and assimilate Indian populations. The practice of Indian religions was banned; children were, and sometimes still are, punished for speaking their native tongue; even making beadwork was prohibited by federal officials. The Dawes Act (1887), The Indian Reorganization Act (1934), P.L. 83-280 (1953), and H. Con. Res. 108 (1953) became the instruments of that policy. They represent some of our experiments to reform Indian family and community life.

One of the effects of our national paternalism has been to so alienate some Indian parents from their society that they abandon their children at hospitals or to welfare departments rather than entrust them to the care of relatives in the extended family. Another expression of it is the involuntary, arbitrary, and unwarranted separation of families.

One of the most disturbing aspects of the whole child-welfare tragedy is how little Indian resistance there is in so many cases—and how much fear. C.B.S. once taped an interview with an Indian woman who wept that she did not dare protest the taking of her children for fear of going to jail. In the Great Plains, one Indian judge, an employee of the BIA, dumbfounded when she learned she had had the power to reject the hundred custody petitions presented to her by the county welfare department, grieved that she "would not have placed one of those children off the reservation" and left her job.

But then the crisis is largely invisible—the children are gone. Over the years there has been, uniformly, a great concern among tribal officials about land and water rights, economic development, and the quality of education. In most communities, neither the BIA nor the county welfare department has deemed it necessary to report to the tribes on the extent of the crisis. In those cases where information is available, tribal governments act swiftly. Too often they lack the financial and legal means to undertake comprehensive programs.

It has already been noted that the harsh living conditions in many Indian communities may prompt a welfare department to make unwarranted placements and that they make it difficult for Indian people to qualify as foster or adoptive parents. Additionally, because these conditions are often viewed as the primary cause of family breakdown and because generally there is no end to Indian poverty in sight, agencies of government often fail to recognize immediate, practical means to reduce the incidence of neglect or separation.

As surely as poverty imposes severe strains on the ability of families to function—sometimes the extra burden that is too much to bear—so too family breakdown contributes to the cycle of poverty.

**Some Destructive Consequences.** Because the family is the most fundamental economic, educational, and health-care unit in society
and the center of an individual’s emotional life, assaults on Indian families help cause the conditions that characterize those cultures of poverty where large numbers of people feel hopeless, powerless, and unworthy.

Parents who fear they may lose their children may have their self-confidence undermined that their ability to function successfully as parents is impaired, with the result that they lose their children. When the welfare department removes the children, it also removes much of the parents’ incentive to struggle against the conditions under which they live.

Children separated from their parents may suffer such severe distress that it interferes with their physical, mental, and social growth and development.

In her recent study, A Long Way from Home, Judith Kleinfeld observes that the boarding home programs and regional high schools for Alaska Natives are “helping to destroy a generation of village children.”

She reports that their high school experience led to school-related social and emotional problems in 76 per cent of the students in the students in the rural boarding-home program, 74 per cent of the students in the boarding school, and 58 per cent of the students in the urban boarding-home program.

She found that “the majority of the students studied either dropped out of school and received no further education or else transferred from school to school in a nomadic pattern that can create identity problems.”

Kleinfeld adds that the high school programs created other severe costs such as:

Identity confusion, which contributed to the problems many students had in meeting the demands of adult life.

Development of self-defeating styles of behavior and attitudes.

Grief of village parents, not only at their children’s leaving home, but also at their children’s personal disintegration away from home.

The average program operating costs totaled over $5,000 per student.

A National Institute of Mental Health publication, Suicide, Homicide, and Alcoholism among American Indians, reports:

The American Indian population has a suicide rate about twice the national average. Some Indian reservations have suicide rates at least five or six times that of the Nation, especially among younger age groups... While the national rate has changed but little over the last three decades, there has been a notable increase in suicide among Indians, especially in the younger age groups.

Among the nine social characteristics of the Indian most inclined toward a completed suicide, it includes: “He has lived with a number of ineffective or inappropriate parental substitutes because of family disruption... He has spent time in boarding schools and has been moved from one to another.”

In our efforts to make Indian children “white” we can destroy them.

**RECOMMENDATIONS**

It is fitting that the Congress consider these matters. It has plenary power over Indian affairs. Abuses described involve Constitutional issues. They frequently occur in the administration of federal programs and often have the active participation or tacit approval of federal officials. Congress has the power to help correct these abuses and to help Indian families and communities overcome the social and economic hardships they face.

Therefore, we offer the following summary recommendations. Congress should enact such laws, appropriate such monies, and declare such policies as would:

(1) Revise the standards governing Indian child-welfare issues to provide for a more rational and humane approach to questions of custody and to encourage more adequate training of welfare officials;

(2) Strengthen due process by extending to Indian children and their parents the right to counsel in custody cases and the services of expert witnesses, subjecting voluntary waivers to judicial review, and encouraging officers of the court who consider Indian child-welfare cases to acquaint themselves with Indian cultural values and social norms;

(3) Eliminate the economic incentives to perpetuating the crisis;

(4) End coercive detribalization and assimilation of Indian families and communities and restore to P.L. 83-280 tribes their civil and criminal jurisdiction;
(5) Provide Indian communities with the means to regulate child-welfare matters themselves;

(6) Provide Indian communities with adequate means to overcome their economic, educational, and health handicaps;

(7) Provide Indian families and foster or adoptive parents with adequate means to meet the needs of Indian children in their care;

(8) Provide for oversight hearings with respect to child-welfare issues on a regular basis and for investigation of the extent of the problem by the General Accounting Office;

(9) End the child-welfare crisis, both rural and urban, and the unwarranted intrusion of government into Indian family life.

We recognize that these issues demand careful consideration over a considerable period of time and involve questions of committee jurisdiction.

The ultimate responsibility for correcting the child-welfare crisis must rest properly with the Indian communities themselves. A number are demonstrating today that, informed of the scope of the problem and having available even some of the means, dramatic progress can be made. Adoptive and foster-care placements out of the Indian community have virtually ceased on the Warm Springs, Lake Traverse, Blackfeet, and a number of other reservations. Given the opportunity, Indian people will initiate their own, more effective programs for families and children, such as those developed by the Devils Lake Sioux, the Eastern Band of Cherokee Indians, the Winnebago of Nebraska, and the Wisconsin American Indian Child Welfare Service Agency.

The training and employment of Indian lawyers, teachers, boarding-school personnel, social workers, pediatricians, mental health professionals, and professional foster parents is vitally important. Tribal judges and police need more adequate training.

CONCLUSION

Measured in numbers, measured in terms of human suffering, and as a measure of the condition of our society and our government, the Indian child-welfare crisis is appalling.

The American public will support the remedial measures that are necessary. In one New York community alone, twenty thousand citizens signed petitions calling for oversight hearings and volunteers raised funds to enable some of the witnesses to appear.

Indians, blacks, Chicanos, the poor, and parents that do not meet our social norms—all are exposed to extraordinary risks of losing their children. If even one child is taken unjustly, all children are threatened. In the words of John Woodenlegs, a Northern Cheyenne, "There is only one child, and her name is Children."
THE ROLE OF THE FEDERAL GOVERNMENT: A CONGRESSIONAL VIEW

THE HONORABLE JAMES ABOUREZK

Many Americans and the Congress are becoming more aware of the difficulties Indian communities face in a broad range of areas: health, education, land and water rights, economic development, among others. But there are few who are knowledgeable about the difficulties American Indians face in a matter of vital concern to them; namely the welfare of their children and their families.

It appears that for decades Indian parents and their children have been at the mercy of arbitrary or abusive action of local, state, federal, and private agency officials. Unwarranted removal of children from their homes is common in Indian communities. Recent statistics show, for example, that a minimum of 25 per cent of all Indian children are either in foster homes, adoptive homes, and/or boarding schools, against the best interest of families, tribes, and Indian communities. Whereas most non-Indian communities can expect to have children out of their natural homes in foster or adoptive homes at a rate of one per fifty children, Indian communities know that their children will be removed at rates varying from five to twenty times higher than that.

Because of poverty and discrimination Indian families face many difficulties, but there is no reason or justification for believing that these problems make Indian parents unfit to raise their children; nor is there any reason to believe that the Indian community itself cannot, within its own confines, deal with problems of child neglect when they do arise. Up to now, however, public and private welfare agencies seem to have operated on the premise that most Indian children would really be better off growing up non-Indian. The result of such policies has been unchecked, abusive child-removal practices; the lack of viable, practical rehabilitation and prevention programs for Indian families facing severe problems; and a practice of ignoring the all-important demands of Indian tribes to have a say in how their children and families are dealt with. Officials would seemingly rather place Indian children in non-Indian settings where their Indian culture, their Indian traditions and, in general, their entire Indian way of life is smothered. The federal government for its part has been conspicuous by its lack of action. It has chosen to allow these agencies to strike at the heart of Indian communities by literally stealing Indian children, a course which can only weaken rather than strengthen the Indian child, the family and the community. This, at a time when the federal government purports to be working to help strengthen Indian communities. It has been called cultural genocide.

A number of urgent questions need to be answered, among them:

What are the facts concerning child welfare practices by governmental and non-governmental agencies in Indian communities? What are Indian people seeking to do to change the situation? How can the Congress support this effort?

Underlying the answers to these questions are further questions about federal responsibility and past federal action in this regard. First, why has the federal government, under the auspices of the Bureau of Indian Affairs and the Department of Health, Education, and Welfare not been active, or not been active enough, in supporting and protecting Indian families? Why do state welfare departments, which receive substantial amounts of federal monies for the welfare of Indian children, continue to take actions which appear to be against the best interests of those children and families that the funds are intended to support? Why do the Bureau of Indian Affairs and the Department of Health, Education, and Welfare have no adequate family rehabilitation and protection programs in Indian communities? Why is it that BIA and HEW, by their silent complicity, continue to fund state welfare programs which act unlawfully toward Indian families and children?

We do not mean to suggest that Indian families and Indian communities, like all communities throughout the country, are not going to continue to have problems. What we do want to suggest is that the pattern of discrimination against American Indians is evident in the area of child welfare, and that it is the responsibility of the Congress to take whatever action is within its power to see to it that American Indian communities and their families are not destroyed; to see to it that Indian people receive equal justice and the support of the federal government. We are committed to a course in Indian child welfare which will eliminate present abuses and injustices and which will begin the long, overdue process of helping rather than handicapping Indian children and their families.
THE EFFECTS OF BOARDING SCHOOLS ON INDIAN FAMILY LIFE: 1928

LEWIS MERIAM

Indian families are subjected to peculiar strains growing out of their relation to the government. Some of the projects of the government, notably the appointment of field workers to deal with home conditions, have tended to strengthen family bonds. But on the whole government practices may be said to have operated against the development of wholesome family life.

Chief of these is the long continued policy of educating the children in boarding schools far from their homes, taking them from their parents when small and keeping them away until parents and children become strangers to each other. The theory was once held that the problem of the race could be solved by educating the children, not to return to the reservation, but to be absorbed one by one into the white population. The plan involved the permanent breaking of family ties, but provided for the children a substitute for their own family life by placing them in good homes of whites for vacations and sometimes longer, the so-called “outing system.” The plan failed, partly because it was weak on the vocational side, but largely by reason of its artificiality. Nevertheless, this worst of its features still persists, and many children today have not seen their parents or brothers and sisters in years. A Hopi boy describing his home says: “We used to have lots of fun when we were little fellows. Of course we sometimes got into a fight, but since then I have never seen my sisters for seven years, they both away from home like me, so I hope we will all see each other some day.”

Excerpted from pages 573-577 of *The Problem of Indian Administration* by Lewis Meriam and Associates. (Copyright 1928 by the Institute for Government Research, renewed 1956 by the Brookings Institution.) Although some of the language and concepts of the Meriam Report are tainted by paternalistic and ethnocentric assumptions, we include it here because its basic criticisms of the harmful effects of boarding schools are still valid—and still unheeded by the federal government, which commissioned the report fifty years ago.

Effects of Boarding Schools

A Navajo mother said: “I hated to send this boy to school. I knew I was saying goodbye. He would come back a stranger.”

But parents know a worse fear than this. On many reservations there is distress because children die away at school. An Apache voiced the general sentiment in a speech in council: “I know the results of the reservation school but when we send out children to non-reservation schools we do not see these children for a long time, and sometimes they die. The reservation school is what we want.”

A Hopi, speaking in council, said:

I wish to speak about students educated in non-reservation schools. In the matter of transfer of pupils to other schools, climatic conditions are often different and the child gets sick and yet parents are not notified. We all have children, as you may have, and we are all interested in these children. If a child is taken sick and brought home dead we feel very bad. Often in the case of sickness parents watch closely. If notified the child might be saved. Parents know the health conditions of the child. We all want our children educated, every one of us, but health comes first. I hope if the child gets sick in a different climate he may be returned home. I wonder if the grades may not be made higher at the day school, for such cases of sick children who have been sent home.

A Ute girl in one of the larger schools writes of conditions on her reservation as follows:

A lot of the young Ute girls that went away to school have gone home and died and the old Ute Indians don’t want for us to go away to school and are having trouble about it. Most of the girls died from T.B. and there are hardly any young girls on the Ute reservation and old people, they think that soon there will be hardly any more of this Tribe, and I think one of the nicest things to be done would be for them to have a hospital around Ignacio to care for the sick so they could get well.

Sometimes of course it is the parents or brothers or sisters who die, as in the case described by a girl of the Aricari and Pawnee tribes:

My mother died while I was away at school. Three of my other sisters died with flu that same winter. And so there was just my father and little sister two years old and a little brother five years old, left at home. When vacation time came I went home to see the folks that remained. But I could not stand to stay at this home. I was always lonely without my mother and the three
sisters, and every time I went from one room into another I thought of them and it made me more lonesome then ever.

The real tragedy, however, is not loss by death but the disruption of family life and its effect on the character of both parents and children. The personal care of helpless offspring is the natural expression of affection no less among Indians than among parents of other races. No observer can doubt that Indian parents are very fond of their children, and though the care that they give may be from the point of view of white parents far from adequate, yet the emotional needs of both parents and children are satisfied.

**Effects of the System upon Parents.** A normal emotional life is essential to the development of parents to full adult responsibility. In relieving them of the care of their children the government robs them of one of the strongest and most fundamental of the economic motives, thereby keeping them in the state of childhood. One of the most common remarks to be heard in the Indian Service is that the Indians are like children. Certainly most of them retain their primitive characteristics of improvidence. Since the avowed purpose of the government has been to develop the race to the point of full adult competence, it seems strange that the greatest incentive to industry and to provision for the future should have been overlooked. Evidences are not lacking that many tribes are today less industrious, less able to fit themselves to their environment than they were 50 years ago; that they were in some ways better off in their primitive state. Insofar as the government has sacrificed real and vital adult education to the formal education of children in institutions it has handicapped a primitive people in their development, and the Indians have little to show to repay them for the sorrows of broken homes. The loss of children tends still further to disrupt the family through the loosening of marital ties. Normally husband and wife have a strong bond in their common responsibility for children. To take away this responsibility is to encourage a series of unions with all the bad social consequences that accompany impermanence of marital relations.

**Effects of the System upon Children.** The effects of early deprivation of family life are apparent in the children. They too are the victims of an arrested development. The experience of the white race abundantly demonstrates that institutional children, even with the best of care, have greater health and personality difficulties than children in families. Affection of an intimate sort is essential to normal development. Recognizing this fact the better societies for the care of dependent white children have for many years been placing their wards out in families as rapidly as the very delicate adjustment can be made. Even in institutions for the care of dependent white children
“Kid Catching”

ON THE NAVAJO RESERVATION: 1930

DANE COOLIDGE

I am making a brief statement of my experience with what I consider the greatest shame of the Indian Service—the rounding up of Indian children to be sent away to government boarding schools. This business of “kid catching,” as it is called, is rarely discussed with outsiders, either by the Indians or by the government employees, but during my numerous visits to the Navajo Reservation I have picked up a knowledge of its workings.

In the fall the government stockmen, farmers, and other employees go out into the back country with trucks and bring in the children to school. Many apparently come willingly and gladly; but the wild Navajos, far back in the mountains, hide their children at the sound of a truck. So stockmen, Indian police, and other mounted men are sent ahead to round them up. The children are caught, often roped like cattle, and taken away from their parents, many times never to return. They are transferred from school to school, given white people’s names, forbidden to speak their own tongue, and when sent to distant schools are not taken home for three years.

Those children who are fortunate enough to be kept in the reservation schools are allowed to go home every summer until they have passed the lower grades. Then they are sent far away—to Albuquerque, Phoenix, or Riverside—where they remain until from sixteen to eighteen years of age. During all this time they are under institutional care, such as with us is considered fit only for orphans, at a minimum of expense; and they return to their homes with a white man’s education but unable to talk to their parents.

It is the claim of the Indian Service that this education is necessary “to fit the Navajos to meet the competition of the outside world,” but most of them come back to herd sheep. A few work in the railroad towns as mechanics and laborers, the girls as cooks and servants, but the majority of the schoolboys who go into the outside world do so as common laborers. . . .

Back in the hogans of their people the returned schoolboys are quite unfitted for their life. They can not even herd sheep. But generally the parents or some rich members of their clan will give them a start on shares and, marrying some returned schoolgirl, they will take up the life of an Indian. In exceptional cases they become truck drivers and traders or go into government service, but for the girls there is almost no opportunity except in domestic service in town. They start in all over again to learn to spin and weave and handle their sheep and goats.

It is a question, therefore, whether the benefits of this compulsory education justify the separation of little children from their mothers at the tender age of six or seven. If they run away from school on account of homesickness, they are transferred to Phoenix or some far distant place to be kept there three years, unretumed. In 1925, while visiting Henry Chee Dodge, then chief of the Navajo Council, I noticed a sad-faced little boy who sat alone, always looking down the road. He had been to the Tohatchee School, some sixty miles from his home, but becoming lonely for his mother had run away several times. For this he had been ordered transferred to Phoenix and had run away again. He had come to appeal to the chief of all the Navajos to save him from that long separation, but even the chief was powerless. He was compelled to surrender the boy to the school authorities and see him sent away.

While at Klagetoh trading post a Navajo girl ran away from the Burke school, about a hundred miles away, and came home. She was nearly sixteen years old, but had been hidden in different sheep camps by her mother and could not speak a word of English. When she was taken to school she wore all her necklaces and jewelry, which were heirlooms, but these were taken from her. Then she was punished and shut up in a closet for repeatedly speaking Navajo. She ran away at last, but the trader did his duty and reported her presence to the school.

At this same post a government stockman was boasting of his kindness while out collecting school children. In all his experience, he said, he had never had a mother make serious objection when he explained to her through his interpreter how well her child would be treated and how necessary it was that he should go. But the previous week, while driving along the highway near Houck, he had seen a boy herding sheep and had turned out across the flat and caught him. The mother wept and protested and even used violence; so, having no interpreter to explain, the stockman had taken the boy by force.

This stockman had previously been describing the overcrowded conditions at Fort Defiance where, according to him, the children slept three in a bed like sardines. But when I suggested that, knowing the crowded conditions, and the mother’s need for her boy, he might
have passed by and said nothing; he replied in substance as follows:

"No, sir. That isn't the way the government works. My orders are to bring in every child of school age, and that's what I'm going to do. It is up to the people at the fort to take care of them."

At that time, in 1928, on account of the spread of trachoma, certain schools on the reservation had been denominated "Trachoma schools" and all infected were transferred to them while, conversely, all uninfected children were sent away to nontrachoma schools. The superintendent at Fort Defiance was therefore overwhelmed by scores of strange, sick children, with no extra appropriation to care for them—his hospital all built but not a single bed provided, distracted parents rushing in to find their little ones; but his stockman was never too busy to stop and carry on his "kid snatching."

The heartbreak and misery of this compulsory taking of children was never more fully exemplified than on my recent visit to Lee's Ferry, Arizona, where old Jodie, or Joe Paiute, lives. He is the last of his people in that part of the country and he and his wife had ten children. But as they came of school age they were taken away from him, and of the first eight all but one died in school. One daughter survived and was sent to Riverside. But like all of them she was given a white person's name, her Indian name was not adequately recorded, and though he had tried to find where she is, the school had lost all track of her.

While working for me, Jodie informed me that the truck was soon coming over to take his little boy and girl, the last two children of ten. His wife, he said, sat and cried all the time and he asked me what he should do. I told Jodie and I tell the world that a mother has a right to her children. They are hers, and since the others had all died or been lost he should take these and his little band of sheep and hide far back in the mountains.

Poor old Jodie said nothing and I suppose by this time his children are shut up in school. And every year in that school, as in most others, there are epidemics of influenza and other diseases. Very likely his last two will die. In special cases like that I think the government should relent and allow them to grow up wild. And in all cases where the parents object or the children are afraid to go, I think the child catchers should be called off.

I have heard too many stories of cowboys running down children and bringing them hogtied to town to think it is all an accident.... It is a part of the regular system where the Indians are shy and wild—and no matter how crowded the buildings are, the children are caught, just the same.

My reason for submitting these facts is that no government employee, no matter how kind-hearted, would dare to mention the practice; while the traders and white residents on the reservation are even more compelled to silence. Yet it is a condition easily solved if day schools are installed and transfers to distant schools abolished. If they could see their children every day, as we see ours, the mothers would gladly send them to school. But if they are torn from their arms and transported far away, given strange names and taught an alien tongue, the mothers will sit like old Jodie's wife and weep and watch the road.
"THE DRUNKEN INDIAN": MYTHS AND REALITIES

JOSEPH WESTERMeyer

Perhaps no stereotype has been so long-lasting and so thoroughly enshrined in our social fabric as that of the "drunken Indian." Our federal government gave it official recognition by prohibiting the sale of beverage alcohol to Indian people for over a century. Until recently, many missionary groups required that Indian converts take a pledge of total abstinence. Many citizens—both Indian and non-Indian—have seen the "drunken Indian" as a hopeless, powerless figure who had no alternative to drunkenness with which to cope with poverty, the destruction of his culture, and the undermining of his family.

My purpose here is, first, to examine the misconceptions and associated political strategies that flow logically from the nonlogical stereotype of the "drunken Indian" and, second, to review the data on the alcohol usage and alcohol-related problems of Indian people.

COMMON MISCONCEPTIONS

1. Indians cannot hold their liquor. This stereotype presumes that Indian people who drink do so to excess and inevitably encounter problems as a result of their alcohol usage. Generally this presumed tendency is felt to be due to some inherent racial trait that results in alcohol's affecting Indians in a specific and unusual manner.

This notion has recently gained prominence as a result of studies showing differences in the vasomotor response to alcohol and in the rates at which Indians and whites metabolize alcohol. But the samples in such studies have been matched for only a few of the variables important to such investigation. In addition to marrried method, the logic for such physiologic studies has been poorly worked out so far. For example, the observation that Orientals respond to alcohol in a

physiologically different manner from whites has been used to explain why Orientals have less alcoholism, but the same argument for the same reasons has been used to explain why Indians (a group quite similar to Orientals in numerous hereditary characteristics) have presumably more alcoholism. And it is a long step from merely demonstrating physiological differences to explaining what role, if any, they might play in the etiology of alcoholism.

2. Alcoholism rates are very high among Indians. First, we have the problem of what comprises a case of alcoholism. In the opinion of most people, simply imbibing alcohol or behaving in an intoxicated manner is not a sufficient criterion for alcoholism. Students of this problem generally define a specific alcohol-related behavior or problem in order to quantify and then compare populations, rather than relying on simply case counting, when the diagnostic criteria are so vague and subject to individual interpretation.

Second, when considering such specific alcohol-related events, we have considerable evidence that all American Indians do not comprise a single group concerning which generalizations can be made. Considerable differences exist among tribes, even taking into account the small populations of some tribes that make reliable intertribal comparisons difficult. Also, within tribes there are subgroup differences, and within subgroups there are considerable individual differences. These differences, and the reasons for them, have been neglected in most studies so far.

Finally, when Indian rates are compared with national averages, some groups and tribes do have rates of alcohol-related problems that exceed the mean, and some have rates that are much lower. These points will be elaborated in the next section.

3. Alcoholism is the major problem among Indian people. Even among Indian groups that do have high rates of alcohol-related problems, it is difficult to know whether a given problem is caused by alcohol or by various social, economic, historical, cultural, and/or political factors. Alcohol problems are often associated in a given individual with such stresses as migration from the reservation to a non-Indian community; racial and ethnic prejudice; health impairment; unemployment or marginal economic status; outside interference by non-Indian social agencies in family and community affairs; and lack of control in his own community over the education of his children, law enforcement, religious institutions, and health and welfare resources.

For any one Indian or group of Indians it is difficult to separate racial prejudice, family disintegration, or economic oppression from alcohol in the genesis of various problems. However, the danger exists that if alcoholism is focused on as the biggest problem, urgent political

"The Drunken Indian": Myths and Realities," by Joseph Westermeyer, reprinted with permission from Psychiatric Annals, Volume 4, Number 11, November 1974. Copyright 1974 by Insight Communications, Inc.
and economic issues may be ignored. This is especially true because much of what is done regarding alcoholism is done at the individual level, ignoring important social, cultural, and intercultural problems.

It is accurate to state that alcoholism is often associated with a variety of social problems in some Indian communities today, but the relationship between alcohol and these problems is not a clearly causal one. In other words, simply attending to individual cases of alcoholism alone may neither help the alcoholic Indian himself, nor prevent new cases of alcoholism in the community, nor resolve the problems facing Indian communities. This is not to say that alcoholism treatment programs should not be undertaken, but rather that they should not be considered an across-the-board panacea for all the difficulties faced by Indian people.

**THE RESEARCH ON INDIANS AND ALCOHOL**

Over the last few decades a considerable store of knowledge has slowly accumulated regarding Indians and alcohol. Originally these observations came from anthropologists who were not particularly interested in alcohol usage or alcoholism. More recently students of chemical dependency, clinicians and behavioral scientists, have begun to provide us with an information base to replace the simplistic stereotypes of the past.

1. **Alcohol usage patterns among Indian people vary widely.** The stereotypic “Indian” drinking pattern consists of the early appearance of intoxicated behavior with small doses of alcohol; binge drinking over many hours or several days, separated by days or weeks of abstinence; group “party” drinking that may entail movement from one location to another; and continued purchase of alcohol until financial resources are exhausted. It is thought to contain a “time out” element: that is, some Indian people, while drinking, may behave in ways that would not be acceptable to them or their cultural peers if they were not drinking.²⁸

To be sure, this stereotypic pattern has often been observed among various Indian peoples. However, it has also prevailed among non-Indian groups—frontiersmen, men living together away from a family setting (such as soldiers and lumbermen), conventioneers in a strange city, adolescents and young adults, and homeless single men without regular jobs. Thus, it is not only an “Indian” pattern.³⁴

In addition, other patterns have been reported among Indian people in both historical and contemporary times. Many Indian people use alcohol in a “white middle-class” fashion, limiting their use in amount, time, and place and behaving in a manner not greatly different from their nondrinking behavior. Also, the abstinent state is voluntarily chosen by many Indian people. To make matters even more complex, the same person may employ “Indian” drinking, “white” drinking, and/or abstinence at various times in his life, depending on social factors, his own preference, or life events.¹⁰,¹¹

Thus, the actual state of affairs appears considerably more complex than indicated by the usual stereotype. The public nature and “deviant” aspect of “Indian” drinking (at least from the non-Indian point of view) make this pattern the one most widely observed and commonly reported by non-Indian people. Since abstinence and “white” drinking among Indian people are less publicly evident and less apt to merit attention, most non-Indian people tend not to appreciate their widespread occurrence among Indians.

2. **Alcohol use can occur concomitantly with untoward events in the lives of some Indian people, but it can also be associated with beneficial effects.** Among many people alcohol usage promotes social cohesion, facilitates social interaction, and enhances feelings of well-being. By removing inhibitions (whether by psychological or by pharmacological means), the use of alcohol can aid in the giving and receiving of interpersonal warmth and support. Within a group of Indian people, “Indian” drinking may serve as an admission ticket to socialization with the group. Binge drinking can at times provide an alternative means for handling grief or stress for some Indian people.

Several investigators have suggested that “Indian” drinking may actually permit traditional Indian values and attitudes to continue.¹⁵,⁶,⁸,¹¹,¹² This viewpoint has evolved as it has become evident that many Indians have not abandoned traditional tribal ideals in order to be assimilated into the majority society. Living as they do in a political and economic state that is imposed and directed by non-Indian people, such persons are subject to innumerable double binds, since Indian social systems and norms often conflict with those of the majority society. Faced with such dilemmas, the Indian drinker, while “drunk,” can behave irresponsibly in a way that other Indians do not approve. However, the drinker can expect that other Indians will blame the alcohol, not the drinker, for the behavior. The same “drunked” behavior serves a complementary function among non-Indians: it advertises that the drinker can still “act Indian” in a way that the majority society cannot influence. Assuming this hypothesis to be true, one can expect “Indian” drinking patterns to continue as long as the majority society (1) dominates the economic life and self-governance of Indian communities and (2) limits ways in which Indian people can maintain their own ethnic social identities.

3. **The relationship between alcohol use and certain problematic events may be more fortuitous than etiologic.** That is, certain difficulties among Indian people now associated with alcohol may not
be due solely or even in part to alcohol use. For example, Navajo suicide and homicide rates have remained essentially constant since 1880. Over that time the use of alcohol by the Navajo has steadily increased, and such violent events now commonly occur along with alcohol. 16-17 The same is true for the White Mountain Apache. 17 Thus the relationship between this violence and alcohol is apparently a complex one that cannot be readily understood in simple cause-effect terms.

The same may be said about a number of other alcohol-related events, including arrest rates. Indian people are often arrested for alcohol-related behavior that they consider socially and morally acceptable but that the dominant society considers unacceptable and has deemed illegal. In such cases the arrest rates may indicate intercultural discontinuities as readily as they indicate alcohol problems. 18

In sum, we must beware of equating a statistical correlation with a causal explanation. The social and cultural context should always be weighed heavily in alcohol studies, and the more so when people representing the majority concern themselves with the alcohol use of a minority group. Besides historical and intercultural factors, consideration must be given to socioeconomic status, political issues, religious biases, and personal preferences.

4. Considerable differences exist among groups of Indian people regarding rates of various alcohol-related events. Difficult problems prevent the ready assessment of these events among Indian people, including small base population rates, migration, and accurate measurement of problematic events associated with alcohol use. Despite these obstacles, however, studies have shown differences among tribes and within given tribal groups.

For example, the Navajo death rate from Laennec's cirrhosis has been lower than the national average, while the Mountain Apache and Hopi cirrhosis rates have been higher. 16-17 The death rates from suicide (often alcohol-related) among the Shoshone-Bannock, Cheyenne, and Apache have been inordinately higher, 17 while those among the Chippewa and Navajo have been relatively low. 18-19 Within a given tribe, differences have also been noted; for example, Laennec's cirrhosis prevails more among Navajos close to alcohol supply sources than among those living in more remote locations. 18

Thus it is risky to make any general statements that are meant to apply to "all Indians." While certain general statements may apply to the entire Indian population in the United States (such as the high homicide and accidental death rates prevalent among all Indians as a racial group), one must be wary of applying these notions to specific tribes or parts of tribes.

5. Alcoholism, in the sense of physiologic dependence on alcohol (as evidenced by the withdrawal syndrome) or in the sense of classic medical problems associated with chronic, heavy alcohol use (such as Laennec's cirrhosis), does occur among some Indian people. For a long time it has been common to think that some Indians are "heavy drinkers" or "drunkards" but not really alcoholics. The studies of Laennec's cirrhosis among Navajo, Hopi, and Apache people referred to above have shattered this notion. Studies comparing Chippewa with non-Indian alcoholics who are hospitalized or in a detoxification center show that similar percentages of each group go through physiologic withdrawal from chronic, heavy alcohol use. 21 Blood studies of Chippewa people at autopsy have shown alcohol levels quite comparable (both in percentage of cases and in level of blood alcohol) with those occurring in non-Indians. 20 In short, by whatever definition one chooses, some Indian people do indeed become alcoholics.

6. Indian people with alcohol problems can benefit from treatment for their alcoholism. Until recently, few majority treatment programs wished to include Indian patients. Many of those that did try to do so had limited or no success. As Indian people have become active in the planning and staffing of alcoholism treatment programs, early reports suggest that the previous trends are being reversed. Indian people troubled by their alcohol usage are seeking treatment in increasing numbers within a variety of treatment modalities. 22-24 Those treatment centers planned and staffed by Indian people appear to be having more success than the previous non-Indian-oriented programs in helping the Indian with alcohol-related problems.

CONCLUSIONS

Certain general statements regarding alcohol usage can apply to some Indian people more than to non-Indians, at least sometimes. However, any such statement tends to have so many exceptions that a useless and misleading stereotype results. With regard to both alcohol usage and alcohol-related problems, an extremely wide variation exists among Indian tribes, among subgroups within tribes, and among individual Indians. Thus statements about Indians and alcohol should specify which Indians, in what place, during what period, and under what circumstances.

Alcohol problems that exist among Indian people bear many resemblances to those common to many ethnic groups in the United States. Attention to Indian alcoholism should not mask or preclude attention to the many social problems and inequities against which Indian people now struggle. Indian-planned and Indian-led programs to counteract alcoholism appear to offer promise of alleviating this problem when it occurs.
Destruction of American Indian Families

Data now becoming available have increasingly undermined the stereotypes of yesterday. It is to be hoped that current studies will provide more useful guideposts for Indian people and social institutions than have been available so far.

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THE WASTED STRENGTHS
OF INDIAN FAMILIES

CAROLYN ATTNEAVE

Indian people are often seen as too diverse and varied to speak as one; yet every American Indian family shares experiences which have affected both us and our children. The negative influences on Indian families, though unintended, have nevertheless been burdensome and, at times, devastating. All tribes are based upon the family unit, and in all tribes we both share in the love of our children and find meaning in helping them grow to maturity to represent the best that human beings can be. In this an Indian parent is no different from any other parent, and an Indian child no different from any other child, no matter what their race or station in life may be.

Seventy-five, fifty, and even thirty years ago it was a great hurt to be told that Indian children must be taken from their homes to be raised by others who would fit them into a more modern world. In the past, Indian children were literally herded off to distant schools, like sheep or cattle. After a generation or two of this, many Indian families came to expect that they would have to send their children to boarding schools or foster homes to be reared and educated by non-Indians. Even now this happens too often—not because Indian parents do not wish to keep their children, but because it seems hopeless for them to try to do otherwise.

I was lucky. I was raised and educated at home. Although my mother was born on a reservation, I was not, and the price of this was a loss of some of my heritage. However, a surprising amount of tribal wisdom was passed on to me, and the opportunity to learn more as an adult was opened for me. Because I have been fortunate, I have tried to share this wisdom with non-Indian peoples in my professional activities as well as help my people, whenever I have been able to do so.

Ten years ago, in Oklahoma, as administrator of a community guidance clinic, I set as a goal that services would be available to the Indian population in the same proportion as they were to non-Indian residents of the area. When the families of the seven tribes involved
found that they were given respect, they opened their hearts, especially in times of trouble and perplexity, and together we sought solutions. I recall vividly how often each year worried sets of parents would come to the clinic begging for help in securing placement in a boarding school for their eight- or nine-year-old child. This puzzled me, and it soon became clear that although it was heartbreaking for them to part with their child, they knew of nothing else to do. Neither they nor their own parents had ever known life in a family from the age they first entered school. The parents had no memories and no patterns to follow in rearing children except for the regimentation of mass sleeping and impersonal schedules that they had known. How to raise children at home had become a mystery.

When they saw that someone could help them rediscover the tasks and joys of raising children between the ages of seven and fifteen or sixteen, the parents stood straighter—their problems needed less dissolve in alcohol, tears or apathy.

Sometimes, of course, the solutions seemed strange to my non-Indian colleagues. Fathers no longer able to do heavy work watched over the little ones and taught them as had been an older tribal custom. Grandmothers shared child care with daughters who needed to work to provide for their households. Children were found in the homes of aunts and uncles as often as in their own, sometimes to the confusion of a social agency inquisitor ignorant of Indian culture. These old ways of distributing child care within a network of caring people are also some of the most modern ways of developing human services delivery. Within this framework new knowledge about health and diet, math, and the importance of books, spread along a moccasin grapevine, whereas the old formal notices from schools and health departments had been so much waste paper. It is exciting to see skills in using washing machines and running water and ready-mixed foods develop hand-in-hand with beadwork, ribbonwork, carving, and learning songs and drumming.

In one published example I reported how in a small clan, 33 children were deprived of parents by a serious epidemic of suicides, yet two years later only one child could be found in need of public assistance. This child was the only one who, away from our locale, had been handled "legally" and placed away from his extended family in an institution. He was by then in custody as a serious delinquent. In another case, a child and her mother were reunited, thus avoiding the usual downward spiral of impotence that accompanies accusations of child abuse by social agencies that could not take the time to understand and render appropriate support to maintain the family unit. Today this family is thriving; the children are productive and leaders in their local schools. One boy became football captain, is getting top grades, and is also a candidate for student office. The girl and her mother are popular dancers and effective homemakers.

This anecdotal material reflects what can be done when Indian families are enabled to stay together, even though their habits in diet, life style, housing patterns and traditions differ from white, middle-class ways.

More poignant are the personal narratives in my files of those who tell of being put on a bus at age seven and sent far from home, perhaps two states away. Many were not able to return again until after they had either finished school or had dropped out and run away. Some of these adults are now dedicated to helping their own people in tribal programs and mental health positions, and they often speculate on the chances of fate that kept them from joining the majority of their classmates in reformatories, skid row homelessness, or premature death. In nearly every such instance one can trace a close human relationship that sustained and gave credence to a goal of mature self determination.

When one realizes that it is questionable whether one teacher can adequately see as individuals 20 or 30 children in a classroom, then one is mystified by the administrative practices in boarding schools. How can one house parent, or even a couple, relate to as many as one or two hundred children outside of school hours? Yet these conditions are found in boarding schools for Indian children. In these institutions, the chances for the life-giving relationship between child and adult are remote.

How are children to become whole people if they are removed from any chance to learn from their elders and their peers? What of those placed as adopted or foster children in families of different race, different language, different religion? Well-meaning though some of these foster parents may be, they seldom know the difference between the television western and the real life of the people from which their ward comes. I have seen white foster parents puzzled because their charges did not respond to drums and beadwork of the Sioux in the Dakotas when the children's place of origin had been the Southwestern desert. A Swedish child would never be expected to spontaneously thrill to "O Sole Mio" along with an Italian child, just because they were both European!

I have heard Indian youths raised on the East Coast who insist that one must be given a real Indian name, and who torture themselves because they would never know what theirs might have been. Worse yet, they and their Western counterparts often find themselves the handy targets of proselytizers and missionaries—touted as too good to be true if they have been brought up Christian, and pointed out as dirty heathens if they have some cherished remnant of their tradi-
tional culture, or an early memory of a different food, a different footstep, a snatch of melody.

The foster child and the adopted child pose special problems, for they must forever try to integrate themselves into different racial and cultural milieux, as well as solve their personal identity problems. The boarding-school-reared adult at least has group support for his identity, even though he may be short-changed in life experiences. Most Indian people would not deny institutional opportunities for those who really need them, but they would not want them prescribed wholesale like vitamins—a practice recognized to be unwholesome.

But while attitudes cannot be legislated, frameworks can be developed that respect differences and encourage humanness. Dollars are not a cure-all either, but budgets that consider anything not required for physical safety a frill to be purged in the name of economy pass on far more costly bills to other agencies such as prisons, mental hospitals, and welfare departments.

The budgets of the past have not permitted us, either as professionals or as Indian parents, to put the best practices and the remedies we already know into effect. There is much unused knowledge available—not only of how to prevent human misery, but also how to develop our children's real potential. I do not speak of these things to arouse pity, but rather to direct attention to the fundamental strengths of peoples now being wasted—strengths that could be released if the right framework were provided. It would be a simple matter to direct that studies be made to show how many children still require boarding schools and foster homes because they live too far from economically feasible community schools. It is possible to summon studies already showing that the children now sent to boarding schools need special educational programs and have a more than average need of emotional support. It should also be possible to estimate from studies of model programs already carried out (e.g., Toyei Model Dormitory 1970-1973) what the realistic costs of meeting these needs could be. It is my hope that these studies will be used as a basis for recommending legislation and to set standards for achieving potential.

There is strength among the Indian people to help carry out adequate programs. Many Indian tribes and urban groups have already begun to attempt this task. The Norton Sound Native Corporation and the Tanana Chiefs Conference in Alaska have taken over the boarding home programs for high school youth. In the state of Washington, the Colville Confederated Tribes have been acting as their own research contractors in studying why their children drop out of school. The Confederated Tribes of the Warm Springs Reservation in Oregon have developed tribal day care facilities so fathers may keep their motherless children at home with them. Tribal de-
THE HUMAN COST OF REMOVING INDIAN CHILDREN FROM THEIR FAMILIES

ROBERT BERGMANN

Separating Indian children from their parents and tribes has been one of the major aims of governmental Indian services for generations. The assumption is that children and particularly those in any kind of difficulty would be better off being raised by someone other than their own parents. The purpose of the first boarding school on the Navajo Reservation as stated in its charter in the 1890s was “to remove the Navajo child from the influence of his savage parents.” Few governmental agencies who are supposed to provide care for Indian children are able to help Indian communities and families solve child welfare problems except by one or another means of placement. This procedure usually solves problems only in the sense of removing them from the immediate scene while in the long run destroying families and communities. This process is unfortunately far advanced in some places. The human experiment of tampering with Indian children’s welfare and education for over 100 years has been for the most part a failure. The number of children who are underachievers in both the Indian and Anglo world, the number of school dropouts, and the increasing rate of juvenile drug and alcohol abuse will give testimony to this failure.

Thousands of Indian children are sent each year to boarding schools for a variety of reasons all of which basically have to do with the opinion that children cannot be brought up right at home. Many of the children sent to boarding schools are already in serious difficulties and the rest have the special needs of any children who have been separated from their families. The schools obviously are totally unprepared to meet the needs of either group. Thousands of Indian adolescents are shifted from school to school in a disastrous game of musical chairs as one school after another attaches yet another pejorative label and passes the student along. Today while there has been an effort to gain local support by installing parent advisory councils, community-school liaisons, and school boards, these have served for the most part as advisory functions with no real authority. They are serving a system whose philosophy and rules were not made with their consultation and which were not established with sensitivity to their needs.

Foster-care practices for Indian children have been damaging. Given the least excuse, substantiated or rumored, children are removed from their homes and placed, most often with an Anglo family. In many cases the product of this placement is an imitation Anglo never quite good enough to achieve in the white world and removed far enough so that a meaningful return to the Indian world is impossible. Some years ago, a young woman was treated soon after her arrival at age sixteen back on the Navajo Reservation which she had left at the age of six months. The adoptive parents who had removed her from the reservation and her family in the first place had “given up on her” and had bought her a one-way ticket “home.” It is not necessary to dwell on the confusion, shame and personal fragmentation suffered by this patient who represents a severe but not an atypical case of the harm done by the promiscuous off-reservation foster-placement policies which have been pursued by the U.S. Bureau of Indian Affairs and other agencies. In one small Indian community where we have a mental health clinic approximately one-quarter of the children are in foster placement of one kind or another, not including those in boarding schools.

Tragically, it has become accepted not only by the welfare workers but by the parents in general that the best thing to do for any troublesome child is to send him away to a boarding school or a foster home in the first instance of trouble, or to reform school or the state hospital after there are repeated offenses. Once the child’s home and family are determined “unfit,” the placement usually comes under the jurisdiction of the state and any potential foster home must be licensed in accord with state regulations. The home of a family member or relative must conform to these standards. The assumption is that the personal development and growth opportunity take place within the physical space of the home, and these increase the probability of the child becoming a meaningful adult. While this assumption is true in a sense, the values are well rooted within the Anglo culture. With most Indian families the growth potential is outside the home as well—in the desert, the mountains, the forests and the village and community. Love and caring do not seem to be relevant in the determination of foster homes.

In our practice where we see many families whose children were or are about to be taken from the home, it is our opinion that they most often would be better if left with the parent or close relative. Therapy or counseling could be provided to these families. For some unexplained
reason, current laws in many states provide a relative with less foster-care subsistence than a stranger.

It is not entirely too late. Good schools such as the community-controlled ones at Rough Rock and Rock Point on the Navajo Reservation can be developed. The children of the Rough Rock community are able to stay home through high school nowadays in spite of that community's isolation.

The model dormitory program at the Toyei school demonstrated that with sufficient energy, staff and money, a boarding school can be run well, so that it is a benefit to the children rather than a menace, and that tribes can develop their own child-welfare programs which keep children at home and restore family unity, harmony and cohesion. The problem with these special projects and demonstrations is that they are special and they are isolated and most often they are funded by agencies other than those directly responsible for administering the education and welfare programs for the Indian population.

In a way, these programs are self-destructive: While they exist they allow the rest of the system to remain ossified, comfortable in the knowledge that someone, somewhere is doing something. If we are finally going to get out of the business of legislating morals for Indian people we have to assume that Native Americans know best what is right for their own children. The federal as well as state governments must allow tribes, in their own counsel, to develop their own licensing standards for foster-care placement as well as their own curricula and policy for schools. We should provide consultation at their request and within their guidelines.

CHILD-WELFARE SERVICES TO INDIAN PEOPLE
IN THE ALBUQUERQUE AREA

EVELYN BLANCHARD

As we look at the situation of services to Indian children today we must of necessity look at the history of federal-Indian relations. It cannot be denied that the thrust of governmental programs has created conditions which in many instances have led to the destruction of Indian family life as opposed to the strengthening of it. What is obvious is that Indian children and their families across the country generally are not being provided the services they require to grow into healthy productive persons. For those individuals who have needed assistance all too often the alternatives have been extremely narrow.

One has the choice to conform or rebel. Neither of these choices provides an opportunity for individual enhancement. Somehow the feeling of our country has been that certain groups are not entitled to develop fully. Much lip service and many reactive fly-by-night programs have been proposed and implemented. But many of these are of a compensatory nature. Yet how do you compensate an Indian high school graduate who upon having completed 12 years of school cannot read? How do you compensate legions of Indian parents whose rights and responsibilities to themselves and their children have been usurped by the paternalistic attitude which has characterized federal-Indian relations? Out of this background come the sensationaly tragic experiences of Indian children who are the victims of not only malpractice of some social workers but also the victims of our lack of concern.

There are no excuses for the trauma that Indian children are experiencing today and will experience tomorrow. The question of who bears the greatest guilt seems inconsequential. What is important is that each of us today accepts our responsibility. Services to Indian children and their families vary greatly in terms of quality throughout the country. In situations like those cited by the Association on American Indian Affairs (see pp. 1-11) one could hardly expect that Indian persons will be treated with dignity, especially those Indian people who are experiencing numerous problems in daily living. It is not necessary to cite the all-too-familiar economic and social characteristics
of Indian populations in these communities. What must be recognized is that profound prejudice and discrimination exist. This must be confronted and dealt with prior to the enactment of laws or provision of additional funds to cause any positive change in services to Indian children and their families.

The Albuquerque area of the Bureau of Indian Affairs (BIA) provides services to approximately 50,000 Indians representing 24 tribes. In all of these communities there exist all the problems that face other families everywhere in the country. In Indian communities these problems are magnified: unemployment is higher, educational and income levels are lower. These situations provide many stresses for the individuals involved.

To service these 50,000 people the BIA has a total permanent field staff of 18 persons and an area staff of two. If we consider the entire population as clientele we are talking about a potential caseload of 1,666 persons per worker. This is unrealistic and exaggerated, but this is in fact the ratio. Actually our total for February 1974 amounted to 1,475 cases receiving services. This means that each worker would have worked with an average of 82 cases per month. The situations in these families called for numerous services for financial assistance, alcoholism, unemployment, emotional disorders of various types, and child welfare. It is impossible for a staff of 18 social workers to provide quality services to all these people in all of these problem areas. In addition to direct work with clients the workers are also involved in program development and consultations with tribal officials and courts. These statistics are not cited to excuse work that is not being done, but rather to impress you with the fact that providing needed services is impossible in our area. Other areas within the BIA fare no better. The clients these workers see are not next door: great distances must be traveled to provide services. The hours spent in travel allow fewer hours for actual work. Of the total staff, including area personnel, only six workers are Indians, and only three of these Indian workers are professionally trained social workers. Throughout the country there are now approximately 100 professionally trained Indian social workers. Many do not work in Indian communities with their own people. Some choose not to work in Indian communities out of personal choice; others because there are not positions available.

Indians as citizens of this country are entitled to all services offered to others. However, in reality this does not occur. State and local governments slough off their responsibilities to Indians and avoid providing meaningful services. It is obvious that much effort must be directed toward the development of professionally trained Indian personnel if, in fact, the aim is to preserve the strengths of the Indian communities. Young Indian people must see people like themselves in positions of power and influence before they can aspire to that level.

Funds must be appropriated to allow Indian communities to develop local resources. In our area during the month of February 1974, 117 children were residing in foster homes. More than half of these homes are Indian foster homes on the reservation. We began several years ago to develop Indian foster homes. We did not obligate ourselves to state licensing standards. We are more concerned with providing a familiar and nurturing atmosphere. In the past Indian families have been dealt with on the basis of outside standards not geared to allow them to develop consistently with conditions in their communities. To combat this we have stressed working within the communities and existing conditions, moving children back to their reservation homes as rapidly as possible. In a number of instances we provided home repairs and household equipment to allow these families to accept children. We need funds to establish group homes in Indian communities. Having the resources in the local community allows many people to become involved in the social-welfare needs of that community. The investment for them as individuals is enhanced and recognized perhaps for the first time.

During the month of February 1974, we had 197 children in boarding schools. These children were in the boarding schools because we presently have no other resource to offer. Child-welfare services in Indian communities are characterized by restrictions as opposed to an approach of individual self-determination. This is directly related to our lack of resources. The tribal court in all its awesome external character is frequently the primary resource used to resolve family difficulties. Use of the court, rather than social services, as a primary resource is an indirect contradiction to accepted child-welfare practice.

Indian courts are placed in a dilemma between the needs of the families who come before them and the realities of having few alternatives to solve or even deal with these problems. For example, with placement of children the traditional approach in many Indian communities is a community–family effort which tries to provide the best solutions for problems. Some of these problems are too great to be handled by nonprofessionals or within the environment of the community. But acceptable off-reservation facilities are seldom available. They create conflicts which frequently compound the problems rather than resolve them.

Many Indian families are instinctively hostile to any attempt to have nonfamily members deal with their problems. This results from the bitter experience of "children being stolen," removed from their homes and taken off reservations and deprived of their heritage. The consistent policies of the past stressed off-reservation norms and theories which often conflicted with the views subscribed to on the reservations.
When a tribal judge faces these cases he must deal with a fearful, frustrated family and overloaded social workers who often have no positive solutions in mind. Foster homes on the reservations are few, many off the reservation are unacceptable, and as a result children are placed in institutions and other facilities not capable of dealing with the problems at hand. Almost all of these facilities are off the reservation. The child in effect is placed wherever there is an opening and not where the type of care needed exists.

The only solution is in providing competent Indian social workers who are given the funds to work within the community. We must be allowed to develop programs and facilities on the reservation which will enable the child who has to be removed from the home, the source of his distress, to develop not according to the norms and mores of the outside but according to his or her own needs and the prevailing conditions and precepts of his or her tribe. Emphasis must be placed on keeping children with their own or substitute families.

Within the Albuquerque area this is presently impossible because of the present structure of social services within the Bureau of Indian Affairs. Two examples are the Northern Pueblos Agency and the Southern Pueblos Agency. The former provides services to eight tribes in northern New Mexico encompassing approximately 3,780 people. The Southern Pueblos Agency covers ten tribes with a combined total of 11,820 people. On none of these Pueblos are there permanently stationed social workers or facilities to deal with family problems. Heavy reliance is placed on outside facilities and outside personnel, and our Pueblo children are often sent elsewhere to deal with their problems.

There is a crisis in Indian child-welfare services. We have vital decisions to make about the kind of world in which we and our children will live. Pronouncements of commitment must be translated into action, programs, personnel, and funds. These actions must be meaningful, individually enhancing and just. Mere words will not suffice.

The above statement was submitted to the U.S. Senate Subcommittee on Indian Affairs when it conducted hearings on Indian child welfare in April 1974. Two years have gone by since numerous people testified at those hearings. Some changes have occurred during this time but the words, thoughts and hopes expressed have not caused much change in those large bureaucracies which can play a major role in affecting change. Federal administrators continue to view this crisis in terms of individual deviance, and are blind to its social implications for the quality of life in Indian societies.

The need for tribal control of the social service program is imperative. Yet the operations of the federal government continue to be hidebound by its own “herd” mentality which, by treating all Indian tribes alike, breaks down the traditional social system of each tribe. In a land where individualism is highly prized, Indian tribes and groups are not allowed this expression. Indian communities share similarities in the same way that non-Indian communities do. But they also have their differences. Indian communities are entitled to the opportunity to develop their strengths which will allow them to meet their own needs in their individual way. An area or national master plan, if it existed, would be doomed to failure.

There are those who are convinced that Indian people cannot manage their own lives. The fact that Indians have taken care of themselves from the time they first came to this land is overlooked. Many influential people hold the spurious belief that the coming of the Europeans cast a spell on Indian people that will never allow them to acquire again the integrity which formerly characterized their lives. The validity of the implied comparison between the traditional Indian forms of government and the European form that supplanted them is seldom questioned.

This is the fatalistic tenor that has characterized the program planners who have had great impact on the field of Indian child welfare. It has been, in essence, an abandonment of responsibility. Indian communities require the autonomy that comes from self-government. They require the opportunity to experience the success and failure of their actions within the framework of their own lives rather than the lives of others.

Previously, my hope had been that an increase in the number of Indian social workers in the field would bring about important change and provide strong leverage. This does not now appear to be a realistic expectation. In fact, the reverse has occurred. All offices of the BIA will soon experience reductions-in-force. Fewer Indian social workers will be hired into influential and powerful positions. Reductions allow individuals with many years of service to be given preference in retention. This is not a desirable arrangement if one hopes for concern and leadership from within the ranks. New thoughts have not come out of the old work force. There is a great distance between those families and children who continue to have tragic experiences and those who are employed to plan for and safeguard their lives.

Some tribes rely directly on the BIA to provide the needed services; others rely on the states. In neither instance are the tribes receiving adequate services. At present Indians can only have pieces of the whole—an Indian day care center here, a child neglect and abuse program there. Indians are not allowed to administer the total social
services program ostensibly because they are not educated to manage it. Yet Indian students in the schools of social work are not being educated to work in Indian communities. Money is still being funnelled to schools that provide students with vague and superficial learning rather than the sensitivity needed to work with the people themselves. No push is present to develop a sound program to train Indian people to work in their own communities. Indian students who enter the schools of social work are praised for their ability to learn those very behavioral and personality theories which Indian people cry do not fit their circumstances. And the money is fast running out for even these programs.

Indian tribes and communities can manage their own affairs. There are countless Indian programs and governments which attest to this. Good social services to Indian people must be in the hands of Indian social services personnel employed and directed by the tribes themselves.

INDIAN CHILD WELFARE IN OREGON

AILEEN RED BIRD & PATRICK MELENDDY

This report is a general description of the child-welfare problems among Indian people in Oregon. The “Indian ways” of raising children differ vastly from the middle-class, non-Indian norms often used in studies by non-Indian investigators. It is hoped that this report will help to point out some of the differences.

A cross survey was taken of several different Indian communities to obtain the opinions of Indian people regarding what they felt to be significant child-welfare problems. Various case histories, including personal statements from Indian parents and children, are described in this report.

Case 1. The Indian mother of an eight-year-old boy was temporarily unable to care for her son after she broke her leg. She asked her sister to care for her son until she recovered. At school the boy gave his aunt’s address as his own. The teacher asked if his mother had moved. He said “no.” The teacher then asked with whom he was staying. The boy replied that he was staying with his mother. The teacher became upset and started yelling at him. The boy held his ears. The teacher decided the boy was disturbed and made an appointment for him to be tested for schizophrenia. The test could not be administered without the mother’s permission. A staff member of the Portland Urban Indian Program, at the request of the school, visited the mother’s home to obtain her consent. There the staff member learned that in the culture of the boy’s tribe, children are raised by the extended family. In the extended family, children regard both their natural mother and her sisters as mothers because they share maternal responsibilities. The staff member explained this to the school, and the boy was not tested.

Case 2. A married Indian couple came to Portland with their infant girl. Previously, their two older children had been taken from them by the welfare department in another city. The family did not apply for needed welfare and other assistance fearing that they would again lose their child. The father, unable to
find work, soon was forced to take his family to another city where relatives lived.

Case 3. An Indian mother living in Portland with her five children, ages five to eighteen years old, worked as a barmaid at night. The Oregon Children’s Services Division (CSD), maintaining that her hours were bad for the children and assuming that the job made her an alcoholic, took her four youngest children. The mother tried diligently to follow the guidelines set by CSD for her children’s return. She quit her job, went to “parenting” classes, and was tested by a psychologist. Her children were placed so distant that it was difficult to visit them. She became withdrawn and almost gave up all hope. Meanwhile, her two sons ran away from the group home in which they had been placed and stole a car to rejoin their mother. They were caught and incarcerated. Breaking out of jail, the boys made their way back to their mother, who happily took them in. The boys never had a juvenile record while in their mother’s care. CSD, however, proceeded in court to terminate her parental rights. At the hearing, CSD described the mother as an alcoholic. Her work record—she had never missed a day—was brought up as part of the defense. Further testimony brought out that during the time her own children were not living with her, she continually cared for the children of relatives and friends who were temporarily unable to care for them. She did this without financial or other help from any agency. The judge severely criticized CSD, refused to terminate the mother’s parental rights, and ordered CSD to start proceedings for the return of her two sons. Her two other children still have not been returned.

Case 4. The infant child of a twenty-six-year-old, divorced Indian mother with a drinking problem, was placed in a foster home. The mother joined the Native American Rehabilitation Association, an alcoholism treatment program, which helped her to stop drinking. She earned a high school equivalency diploma and went on to enroll in a secretarial program at Portland Community College. The mother attended classes to make a better parent and, at CSD’s request, began consulting a psychologist. Yet when the foster parents requested to adopt the child, a CSD caseworker urged the mother to surrender her parental rights voluntarily, telling her “they would probably be taken away anyway.” After trying to do whatever CSD requested for more than two years, the mother’s parental rights were nevertheless terminated. Her hope destroyed, the mother has gone back to drinking.

Case 5. When an Indian mother was divorced from her non-Indian husband, the husband was given custody of the couple’s three children. After ten years, the father sent the two older children, a fifteen-year-old boy and a sixteen-year-old girl, back to their mother because, he said, they were “savages,” and he no longer could handle them. The mother took them in and learned that the children had spent considerable time in foster homes during the time she thought they were living with their father. The adjustment period was difficult for all. The son seems to have adjusted well with his mother. The daughter attends Chemawa Indian Boarding School and is also doing well. Recently the father returned to the mother the third child, a ten-year-old boy.

Case 6. The two-year-old daughter of an Indian mother was taken away when a CSD caseworker decided that the child was “failing to thrive” because she showed no weight gain and insufficient growth. The mother’s older daughter, also living with her, was healthy, happy, and mentally fit. The mother explained to CSD that her younger child did not gain weight because she vomited after eating. Later it was learned that a doctor had prescribed the wrong formula for the child’s milk. By that time, however, a court order had placed the girl in a non-Indian foster home. The Indian mother became frantic since the caseworker would not even reveal the location of her child’s foster home. The mother was allowed to see her child again only after protests by the Chicano and Indian Studies Center of Oregon. Doctors later determined that the child lacked a growth hormone, which limited her development and made her susceptible to illness. After mother and daughter were reunited, it was discovered that the child had been physically abused by the non-Indian foster parents who tried to force her to gain weight.

From 1974–1975 there were 20 Indian children placed in adoptive homes by the Children’s Services Division. Eighteen of the Indian children were adopted by non-Indians. Fourteen of the 20 Indian natural parents signed voluntary waivers surrendering their children. There is also a disproportionately large number of Indian children placed in foster care by private agencies.

Our research indicates that intimidation, coercion, and legal threats precipitated many of the voluntary surrenders. In a number of cases, racial prejudice is the major reason for terminating parental rights. It is alleged that judges in Klamath Falls, for example, would remove Indian children based on the stereotyped assumption that their parents are “drunken Indians.”

Of the Indian children in foster care in Oregon, 95 per cent are in non-Indian homes. In the Portland area, there is only one Indian foster family certified by CSD. Other Indian families report that CSD foster family requirements virtually exclude them from qualifying. For example, CSD requires that foster homes have a specified amount of space in bedrooms for foster children. Indian families are often large and live in small homes which do not meet the CSD space re-
quired. Under the circumstances, most Indian families no longer even try to qualify.

Another reason for the low number of Indian foster parents in Oregon is the CSD policy prohibiting the placement of a child with relatives. This policy directly conflicts with the Indian extended family social structure.

The Confederated Tribes of the Warm Springs Reservation have a unique solution to their child-welfare needs. A group home is available for the temporary care of children twelve to eighteen years old, and "satellite" smaller homes are available for children up to eleven years of age. Originally the large group home, able to house approximately 15 children, was the only facility for children unable to stay with their families. The satellite homes were established when it was discovered that the younger children mistakenly thought that being sent to the group home was a form of punishment. The satellite homes are small and have married couples as houseparents. Living in the satellite homes with other children their own age, the younger children do not feel institutionalized or "punished." Both the group home and the satellite homes have been highly successful. Indian children are no longer sent off the reservation to non-Indian foster homes. If a child continues to need foster care after staying at the group home for three months, there are now 20 Indian foster families who can provide more extended care for the child on the reservation.

In Oregon, physical abuse of children is almost unknown in Indian communities. These communities do, however, consider as a major problem the policies and practices of governmental agencies which abuse their rights to raise their children in an Indian cultural environment. These policies and practices result from prejudiced attitudes that are institutionalized in schools, social services, health care, and the legal system. In addition, conclusions by the State Children's Services Division that Indian parents have neglected their children have frequently been based on non-Indian cultural values and standards. When applied to Indian families, these values and standards only compound existing difficulties.

This report is not meant as an attack on those individuals who administer the child-welfare system in Oregon; it is, however, an objective description by Indians and non-Indians alike of what is taking place today.

Solutions to Indian child-welfare needs must come from Indian people as well as federal and state legislators and professionals in the mental health fields. In order to find solutions, individuals in public and private children's services agencies need to recognize the unique cultural needs of Indian parents and their children. It is hoped that this report has helped to reveal some of these needs.

THE RAVAGE OF INDIAN FAMILIES IN CRISIS

JOSEPH WESTERMeyer

INTRODUCTION

Increasing numbers of Indian families in Minnesota have been seeking assistance in social agencies, especially welfare offices. For example, 1,840 Indian persons were on federal Aid to Families with Dependent Children (AFDC) in Minnesota during 1956; the number had grown to 7,029 in 1971 (a 385 per cent increase in fifteen years). Over this same period Minnesota Indians have been experiencing increased social and mental health problems, including alcoholism, violent death, child abuse and neglect, and adolescent delinquency.

Earlier I have suggested that majority social institutions in Minnesota often fail to carry out their assigned responsibilities to Indian clients and patients. In reviewing my experience with Indian people in recent years, it seemed that social institutions perhaps did more than merely neglect Indian problems. Instead, it appeared that crises were often exacerbated rather than relieved by those working in such social agencies and institutions. Since families comprise the major mental health resource among Indian people and since about a fourth of all Indian children in Minnesota now live in white foster and adoptive homes, it was of interest to examine the social management of crisis in Indian families.

METHOD

Cases were selected in which an Indian family voluntarily approached a majority institution for resolution of a problem. The action taken by the institution not only failed to resolve the problem, but in addition undermined the family as a viable unit. Demographic and social variables of the families at the time of the crisis were tabulated. An analysis was made of the crisis, the institutional intervention, and the events following the intervention.

Eight families met the criteria for the study. In all cases these data were collected from (1) at least two family members (a parent and
a close adult relative) and (2) one or more non-family source(s) with immediate knowledge of the crisis and its ensuing events. The latter included health clinics (six cases), attorneys and legal aides (four cases), alcoholism treatment facilities (three cases), social agencies (three cases). Three mothers and four fathers, all from seven different families, underwent extensive psychiatric and psychometric examination. Eighteen offspring of these families, ranging from two to eighteen years of age, were also examined and interviewed. Family interviews were done in four cases; two of these involved several interviews over a few months. Each family interview lasted one and one-half to two hours.

Three mothers and one maternal grandmother came to this facility seeking a forensic consultation. All were trying to regain children who had been remanded to foster homes by order of the court. In the other four cases, it was the father who was encountered first. All four men were admitted to the hospital for acute alcohol-related problems.

The Data

Demographic and Social Characteristics. The parents were relatively young at the time of the original crisis (see Table 1). They ranged in age from 20 to 43 years (mean 29.9 years). One parent was non-Indian; in another couple the Indian parents were from two different tribes which lived on the same reservation. Though all parents were born on or near a reservation, three couples had migrated to urban areas.

None of these parents had ever been in prison or in a state psychiatric facility. All were literate and fluent in English. None had ever been accused of child abuse. Three of the couples (cases 1, 3, and 7) had been married less than two years.

The Family Crisis. In seven cases there was an interpersonal problem between the husband and the wife. However, in six of these cases the parents were still living together at the time that they sought help from the institution. Drinking problems and alcoholism were also associated with the crisis of all eight cases in one or both parents. Financial problems and job insecurity also prevailed in all of these families. Two mothers were seriously depressed at the time of the crisis and for months thereafter. One father was grieving the recent death of his wife.

The Intervention. All institutions were approached voluntarily by these families. In seven cases welfare assistance was sought because of insufficient funds to provide for the food and shelter needs of the family (see Table 2). One couple (case 4) went to court in order to obtain a divorce; the children were remanded by the judge to the welfare department at the divorce hearing.

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<tr>
<td>1. Father on binges. Mother depressed, drinking. Insufficient funds.</td>
<td>Welfare</td>
<td>Children taken; placed in white foster homes; made wards of state; attempt to place them for adoption.</td>
<td>Mother’s drinking exacerbated; she attempted suicide, required treatment for chemical dependency.</td>
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<td>2. Father on alcoholic binge. Mother depressed. Insufficient funds.</td>
<td>Welfare</td>
<td>Five youngest children taken; placed in white foster homes; attempt to make them wards of state.</td>
<td>Parents divorced. Mother and remaining children move out of community.</td>
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<tr>
<td>3. Parents separate; father chemically dependent; son needs home; insufficient funds.</td>
<td>Welfare</td>
<td>Child taken; placed in white foster home; made ward of state; adopted by white family.</td>
<td>Parents divorce. Maternal grandmother and aunt obtain legal aid to retain child in family.</td>
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<tr>
<td>4. Parents divorce. Insufficient funds. Father alcoholic, mother depressed.</td>
<td>Divorce Court</td>
<td>Children taken; placed in white foster homes; attempt to make them wards of state.</td>
<td>Older children develop behavior problems. Mother leaves community; goes to work in factory.</td>
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Table 2 (Continued)

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<th>Crisis</th>
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<th>Intervention</th>
<th>Post-Intervention Events</th>
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<td>Welfare</td>
<td>Children taken; placed in white foster homes; made wards of state.</td>
<td>Father becomes chemically dependent, loses job, requires treatment for alcoholism.</td>
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<td>7. Father loses job, begins drinking. Financial and marital problems. Mother begins drinking.</td>
<td>Welfare</td>
<td>Child taken; placed in white foster home; made ward of state; adopted by white family.</td>
<td>Parents separate, both become chemically dependent, father attempts suicide.</td>
</tr>
</tbody>
</table>
years in case 2 and three years in case 4). The children in the remaining six families were wards of the state.

In two families (cases 3 and 7) the children were adopted by white families. In three additional cases the white foster families sought to adopt the Indian children; they were assisted in undertaking by the three respective welfare departments. State guardianship proceedings were undertaken by these departments for the express purpose of having the Indian children adopted into these homes. In case 4 a certified Indian foster family was not allowed to receive three of the children because separate foster families wanted to adopt them.

Post-Intervention Events. Within a few weeks of the seizure of the children, all of the six couples still living together had separated. At the time of the study (done one to six years after the intervention) none of the couples had resumed marital cohabitation. Every one of the parents left their home neighborhood or community soon after the children were taken. Many parents began to drink more heavily; several went from being heavy drinkers to alcohol addicts (i.e., they developed symptoms of addiction, including increased tolerance, blackouts, and withdrawal signs). One mother attempted suicide.

Follow-up. Four of these parents regained custody of their children. In two of these families the children had already been wards of the state. A sense of the prolonged ordeal which this involved can be obtained by recounting the sequence of events.

Case 1. After Mrs. A.'s two children were taken, her drinking became heavier. Following a suicide attempt she obtained treatment for chemical dependency in another community. She returned home to fight the adoptive placement of her two children. With the help of her tribe she obtained expert legal counsel. After another whole year involving several court hearings, she regained custody of her children.

Case 2. After her youngest five children were taken, Mrs. B. left her home reservation and came to Minneapolis. She divorced her husband, reestablished her home, and— with the support of her relatives—overcame her own depression. Over a period of three years she tried to regain custody of her children from the welfare department. Finally, with legal assistance, her children were returned to her after five years' absence. She remarried and has had four more children.

Case 4. After a divorce court judge remanded her children to the welfare department, Mrs. D. tried for two years to regain her children. She moved to an adjacent county and obtained a stable, well-paying job. The social agency in her new county of residence sought to help her regain her children. The welfare department

in the former county attempted to place three of the children in adoption. With the help of an attorney she obtained custody.

Case 6. Mr. F. began to drink heavily following the death of his wife. Unemployed, he sought help from welfare; they took his children. He became addicted to alcohol over the next two years. Following hospital admission for alcohol withdrawal, he entered treatment and then a halfway house for Indian alcoholics. Next he qualified as an alcoholism counselor and obtained a job in a detoxification center. After a year of employment, he regained custody of his children.

Once these four parents had regained control over their own lives, they sought to obtain their children. The latter efforts contributed greatly to the betterment of their own self-image. Moreover, they were reinforced by tribal and urban Indian groups who provided support for them in their struggle. Organizations involved in the lengthy and expensive action to regain custody included tribal organizations, an Indian clinic, an Indian social agency, a "ghetto" clinic, two legal aid groups, a national Indian organization, and numerous others. That the struggle was a long and difficult one is attested to by the following case:

Case 3. The maternal grandmother and aunt sought to gain custody of an infant boy. The grandmother was employed at an Indian clinic and the aunt was a college student. Their extended family currently was caring adequately for other youngsters, and their finances were good. Nonetheless, the judge at a guardianship hearing ruled against the family's right to the child and returned the child to the white foster parents who were seeking to adopt the boy. Emotionally distraught by the continued hearings and innuendos against themselves and against Indian families in general, the grandmother and aunt chose not to fight the case in a higher court.

In another case the father was still trying to establish himself before seeking custody of the children.

Case 8. Mr. H. began drinking heavily after he lost his job. Seeking financial help, he lost the children to the welfare department. He and his wife separated, he left the community, and began drinking heavily. Following hospital admission for delirium tremens, he went to a halfway house for Indian alcoholics. He has been in regular contact with his children, but feels he cannot adequately provide for them yet without a wife to help him.

In case 5 the father has been resident in a halfway house for several
months. His primary concern at last contact was to regain control over his own life. The father in case 6 had lost his son only one year ago. Admitted to hospital for alcoholism withdrawal he was not willing to enter treatment and preferred to "make it back my own way." He was lost to follow-up.

**DISCUSSION**

**Indian Crisis, Institutional Failure.** The crises in these eight families were remarkably similar. Parental discord or separation, problem drinking, unemployment, and insufficient funds were present in all cases at the time of the crisis. The usual sequence of events was as follows: unemployment and problem drinking → insufficient funds → marital discord. In one case the death of the mother precipitated heavy drinking by the father.

Prior to the crisis these families had demonstrated strengths. The fathers had held jobs and supported their families. None of the parents had ever been institutionalized. Child abuse was not alleged in any of these cases.

In the ordinary course of events, most of these families would have benefitted from supportive services designed to keep the family intact. A temporary homemaker, financial relief, treatment for chemical dependency, a job, marital counseling are effective in most such cases—whether they be Indian or non-Indian families. None of these remedies was initiated in any of these cases. Instead the institutional worker used police power to remove the children from the home, though the family had come voluntarily for assistance.

Removal of the children had the same effect in all eight cases. It effectively destroyed the family as an intact unit. The parents invariably separated. It exacerbated the problems of alcoholism, unemployment, and emotional duress among the parents.

In sum, it was the social institutions that failed in these cases. None of these crises was so bizarre or irremediable that ordinary helping activities would not have been useful. Instead of helping these families solve their problems, however, the people involved chose to employ police power against them.

**De Facto Ethnocide.** None of these institutional workers could be described as being in favor of genocide. However, the institutional bias is consistently in favor of (1) removal of Indian children from homes-in-crisis rather than amelioration of the crisis, (2) placement of these children in white foster homes, and (3) legal action to replace the biological Indian parents with adoptive white parents. Even where the Indian extended family tried to regain the child (in case 3), the judge handed the child over to a white couple despite the data in favor of the "partial family"7 (itself an ethnocentric term) and the extended kinship of Indian families.8 and the many reports demonstrating that foster and adoptive placements do not comprise a panacea. In another instance (case 4) the social welfare worker would not permit the children to be placed in an Indian foster home. Moreover the uniformity of these institutional actions, though they occurred in six different counties located in three separate states, suggests a social imperative operating against Indian families in our institutions. The result is a de facto ethnocide of values, attitudes, and customs chosen by a group of people. So long as this persists, the life-ways of any of us cannot rest safely.

**The Trail of Tears.** Most non-Indian cases involving state guardianship fall into two categories. The first involves disabled children whose parents cannot provide for their needs, but whose needs can be met by state resources. The second involves disabled parents who—by dint of recurrent criminality, or mental illness, or sometimes the death of a spouse—cannot care for their children. Thus, it is most unusual to encounter the parents of such children rising like a phoenix from their own ashes to resume their parental responsibility.

The latter is precisely what occurred in half of these cases. Spurred on by self-help groups and activist organizations, these parents overcame imposing obstacles. The brief case reports cannot adequately reflect the grief and self-reproach experienced by these parents as they lost their children, then separated from spouse and home and community, then began the long trail back to control over their own lives, and finally fought the very agencies whose help they had once sought in order to regain their children. Truly, our institutions have forced these people to march a modern Trail of Tears.

**REFERENCES**

THE QUESTION OF BEST INTEREST

EVELYN BLANCHARD

In recent years the concern of Indian people with the status of child welfare services in their communities, both rural and urban, has greatly magnified. No longer are many Indian people willing to stand mute while various agencies and authorities exercise powers over the lives of Indian children and families, and the tribal community itself.

Hearings before the U.S. Senate Subcommittee on Indian Affairs in April 1974 were the first national public expression of concern by Indian people. While the statements and positions expressed at the hearings received broad attention from Indian people in the field, the larger society, for the most part, remains uninformed. Two years later, the overall picture remains the same. It is very clear from the experience of many Indian workers that the position and intention of the powerful non-Indian social services network in this country has not changed, nor does it appear that change is intended. This serves to complicate and frustrate the work in Indian child welfare. It serves to preserve an adversary position which has no place in the development of a healthy life design for an Indian child or any other child. It becomes clear that protecting one's ideological position remains more important than the preservation of life of a people through the safeguarding of their children.

The testimony of our tribal leaders and Indian child-welfare workers clearly demonstrated the ability of Indian people to care for their own. The statements lucidly revealed the intentional blocks that were placed in the way to prevent this from occurring. Many words were spoken, many tears were shed, many voices were broken with hurt. Yet the response has been minimal. It is difficult to understand how the cited tragedies of Indian children and their families have not moved a people to an expression of human caring.

Not one of the national child-welfare agencies, either public or private, was moved to respond. At best the words were not heard; at worst no attention was paid to them. The only moves of national scope were a request from Senator James Abourezk to the Association
on American Indian Affairs, Inc. to prepare an Indian child-welfare bill (The Indian Child Welfare Act of 1976 [S.3777], introduced by Senator Abourezk on August 27, 1976), and a resolution passed at the 1974 convention of the National Congress of American Indians, Inc. Other national Indian and non-Indian organizations remained noticeably silent.

Within the context of this national attitude and position another ominous block to good Indian child-welfare practice has reared its ugly head. Like other destructive and deceptive visitors to Indian country it is cloaked in finery of good words and good intentions. It speaks to the best interests of the child. The position that the concern of the child is paramount in decisions made which effect his life is well-taken. The difficulty arises when the powerful decision-makers interpret this position only within the context of their own value system. The position as developed and interpreted provides the justification for the removal of Indian children from their families and tribes. It provides an opportunity for the decision-makers to look only at a small segment of the Indian child’s life experience. It protects child-welfare workers who have not done a responsible job. It sets up a situation in termination of parental right hearings that makes it difficult to determine whose best interests are in reality being considered.

Too many Indian workers witness the rights of Indian parents being terminated because they received no help or encouragement in their rehabilitative efforts. It is heart-breaking to watch the volumes of case record notes being used against parents by workers and department attorneys whose attitudes are never questioned. Yet it is obvious from their own words that their prejudicial attitudes have influenced all of their contacts with the Indian client. This important aspect of the work which should be considered in any decision is overlooked. It appears the department’s position is unassailable. After all, are not these people of good will who are concerned with the best interest of every child? It becomes the burden of the Indian family to prove in this “Catch 22” atmosphere that they love and can provide care to their child. But unfortunately, the scales of justice have been weighted against them from the very beginning.

Indian children who are removed from their families are kept in substitute care for long periods before termination is sought. Their parents, like those described in the hearings, often do not know where their children are and, when they do, receive little or no help in the delicate practice of visitation. If their child is upset after return from a visit the behavior is seen as being caused by the uncaring attitude of the parents. The thought that the child is upset because he is again placed away from his parents is given little or no attention. The upsets are carefully reported by foster parents and recorded by caseworkers to use as ammunition against the parents when the decision to terminate is made.

The upset behavior exhibited by the child is some of the most damaging evidence presented to the court. The department points out in terms that are not clearly substantiated that the visits with the parents are the cause for this behavior. The workers are not asked to explain how this disruption has gone on so long if they have, in fact, been working to reunite this family. The question of the child’s best interest is transformed into a question of case management, and the workers then think that it is time to close this case by moving the child into “permanent” placement. The department’s workers can then devote these same efforts to other cases; too many of which unfortunately involve Indian children.

The case planning for Indian children is biased from the beginning. Workers tend to place Indian children in non-Indian substitute homes where there is the likelihood that they can remain a long time either through permanent foster care or adoption. This becomes an important factor in the department’s case. It can demonstrate that a permanent, loving, caring home has already been found, and also claim that removal of this child to the questionable home of his Indian parents or relatives would inflict severe, long lasting and traumatic damage to the child. Experts are brought in to testify to the traumatic effects of separation and placement. Parents unwittingly submit themselves to psychiatric or psychological testing paid for by the department to prove that they are unfit, troubled people and parents. The referrals to these psychological experts are made by the department workers who in their letters of referral painstakingly list the parents’ failures. No mention is made of strengths.

And the parents’ rights are terminated.

Indian families are more than a mother, father and children—they are a large network of relationships. Non-Indian families used to be this way, too. In spite of this known fact many departments fail to consciously decide to disregard it.

Indian children’s rights to live with their families and tribes are not considered. Departments and courts do not have the capability or sensitivity to see beyond the next several months of the Indian child’s life. Much of the hearing testimony dealt with children whose rights to their family and tribe had been terminated and who had been placed in good, loving homes. It has been found that many of these children never gained the feeling of permanence and security that was intended. When they grew old enough to wander they left these homes in search of themselves and their people.

Unfortunately for many Indian parents and relatives the long experience of disservice left open wounds of hurt and anger that
eventually consumed them. Many gave up hope and incorporated the sentence of worthlessness that was handed down by the court.

The question of best interest is much broader in Indian country than it is elsewhere. Termination hearings sever not only rights of parents but rights of children and rights of tribes. How department workers and the courts perform their work denies the Indian community the opportunity to strengthen old and develop new indigenous social service networks. How the courts define “best interest” negates the right of an Indian person to look for strength and assistance from his tribal identity by denying it as a resource, keeps the Indian parent, child and tribe in a dependent position in this era of self-determination and individual rights, and effectively kills more Indian people through the smothering arms of the helping process. The most learned scholars in child development, after examination of the facts, would not reach a different conclusion.

Indian people have much experience at healing the wounds of forced separation. Many Indian workers complain that only the worst Indian cases are referred to them. These people who are referred have a long history of intimidation from the departments and come to Indian agencies unwilling and afraid to trust even their own people. Indian agencies are temporary and sometimes unstable because of their funding base. What money is provided is sent with a message daring Indian agencies to prove that they can do better with these clients in an atmosphere of programmed handicaps.

It is frustrating and denigrating to continue to have to demonstrate one’s need by digging out the dirty linen. It keeps a whole corps of Indian personnel concentrated on the negative features of Indian child welfare. It takes away from the time and energy they could use to enhance the strengths that exist. It keeps Indian parents in the column of troubled parents rather than healthy, successful ones. It keeps the trouble of Indian people paramount in the view of younger Indians. In this way it consistently and continually inflicts damage on their developing self-identity. It raises the question of self-worth while at the same time it provides damaging answers to the questions. It thwarts the efforts of many adult Indian people to become and present themselves as strong, healthy models to Indian youth.

It is an insidiously programmed process that must be stopped.

Indian people share in the concern that the best interest of all children be provided for and recognized. For Indian children they see that the best interest must also include recognition and appreciation for the persons they are. The best interest of the Indian child must be defined within the context of the child’s whole life.

THE PLACEMENT OF AMERICAN INDIAN CHILDREN—THE NEED FOR CHANGE

CARL MINDELL & ALAN GURWITT

Each state in the United States has a statute which allows its agent (usually the juvenile or family court) to intrude into the privacy of a family and to consider separating the child from his or her family. Ordinarily this might occur when (1) the child has been involved in delinquent acts; (2) the child is dependent or abandoned, i.e., has no recognized or legally appointed guardian; (3) the child is neglected, i.e., his or her needs are not being met by the family; or (4) the child is abused, i.e., is being hurt by his or her family.

The professed principle which governs in such cases has generally been the quest for “the best interests of the child.” This principle has few standards or criteria to guide its interpretation. As a consequence there are wide variations in the way an individual state’s agents or courts put it into practice. This, in turn, allows and perhaps encourages society’s agents to fall back on their personal values and moral system in evaluating the child rearing of any particular family who comes before them. Thus, the judge (social worker, probation officer) makes some determination of the child’s needs and family’s ability to meet those needs. This estimate, however, may be based on his own class values which can differ radically from the culture of the child and the values of the child’s family. Moreover, the less powerful the family, the greater the likelihood of the state’s “benevolent” intrusion (especially when there are few standards and no systematic review of judgments).

For a long time state and federal government agents have intruded regularly into the families of American Indians, particularly those living on reservations. This intrusion occurs in four areas: (1) where a child is held to be dependent-abandoned; (2) where a child is considered to be neglected; (3) when a child is considered delinquent; and

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(4) for another reason altogether—to meet the child's "educational" needs.

In regard to the last mentioned, on some reservations the U.S. Bureau of Indian Affairs (BIA, part of the Department of the Interior) has made it policy to send children as young as six years old to a distant boarding school. This had formerly been widespread practice, with the overt aim of "helping" Indian children enter the mainstream of American life. Now, supposedly, the practice is confined to regions where other educational opportunities have not developed, where there are difficult home situations, or where behavior has been deviant. In the past, this educational practice has had a devastating effect on several generations of Indian children. It has affected their family life, their native culture, their sense of identity, and their parenting abilities. It is quite likely that the continuation of these practices today will have the same destructive impact. Ultimately the message is the same: It is better for Indian children to be reared by others than by their parents or their own people. The complex issues relating to the BIA boarding schools have been addressed by the American Psychiatric Association's Task Force on Indian Affairs. Their views are expressed in an editorial in the American Journal of Psychiatry.

We would like to focus here on the fact that today American Indian children are regularly removed from their families and communities by government and voluntary agencies and some religious groups, ostensibly for reasons of dependency-abandonment or neglect.

The Association on American Indian Affairs asserts that these practices have resulted in the wholesale, and often unwarranted, removal of Indian children from their homes, reservations and people. The figures are alarming. In the state of South Dakota, on a per capita basis, approximately 16 times as many Indian children as white children are living in foster homes. In Montana, the rate is 13 times the national foster home placement rate. In Minnesota, among the Indian children, the rate of foster home placement is five times greater than for non-Indian children.

In the United States, one in every 200 children lives outside of his home of origin. In North Dakota, South Dakota and Nebraska one in every nine Indian children is in a foster home, adoptive home, institution or boarding facility. Indian children in these states are withdrawn from their homes at a rate 20 times the national average. In Minnesota during 1971-1972, one in every seven Indian children was in placement outside of his own home (there were about 1,413 Indian children under eighteen in adoptive placement while there were 241 Indian children under eighteen in foster care). Non-Indian homes accounted for 91 per cent of the adoptions. In a survey of 16 states, "approximately 85 per cent of all Indian children in foster care are placed in non-Indian homes."

There are, then, two trends which are both obvious and alarming: (1) American Indian children are being placed outside of their natural homes at an enormous rate, and (2) they are being given over to the care of non-Indians in very considerable numbers.

There is much clinical evidence to suggest that these Native American children placed in off-reservation, non-Indian homes are at risk in their later development. Often enough they are cared for by devoted and well-intentioned foster or adoptive parents. Nonetheless, particularly in adolescence, they are subject to ethnic confusion and a pervasive sense of abandonment with its attendant multiple ramifications. Consequently, these problems combined with their untoward early childhood preplacement experiences adversely affect their young adulthood and their own potential capacities as parents.

The two trends noted above appear to be final common pathways reflecting:

(1) The professed policy of the Bureau of Indian Affairs, state welfare agencies, and of voluntary and religious groups had been to admit Indian people into the mainstream of America. While this policy has changed at higher levels of the Bureau, the change is unevenly applied at the lower levels. It is not clear that the policy has changed among the other groups.

(2) Alternatives to placement are either not available, not thought of, or are inaccessible for varied reasons. Families which have become disorganized or have had difficulties in providing for the needs of their children are usually well known to various agencies. The decision to place the child often assumes that other options have been tried and have failed. All too often, however, neither tribe, state nor federal agency has made any real effort at early intervention and support for the child and his family. As a result, when things get bad enough, the only clear option appears to be placement.

(3) The decision to remove a child from his parents is often made by federal and state agency personnel who are poorly trained and who have limited understanding of Indian culture, or by Indian personnel with little clinical and developmental training.

(4) The parents may have no understanding of their rights, e.g., they may be induced to waive their parental rights voluntarily without understanding the implications. Furthermore, the child, and in most cases his parents, do not have an advocate in court to represent their respective interests even if there is a court proceeding.

(5) The decision to place the child is often made by a state court. This procedure typically fails to utilize the rich information about potential support and care readily available from the child's extended
family and neighboring community. (While there has been some growth of tribal courts with greater understanding of cultural and community resources, there have been procedural and jurisdictional problems.)

(6) The standards used in non-Indian courts in making the placement reflect the majority culture's criteria for suitability (e.g., so many square feet of space available per foster child in the home) and do not take into sufficient account what may be characteristic of the child's socio-cultural milieu. Thus Indian families are discriminated against as potential foster families.8,7

(7) The tribes generally have been given little or no responsibility for controlling or monitoring the flow of monies available for child care and family welfare.8

(8) There is no systematic review of placement judgments to insure that the child's placement offers him the least detrimental alternative.9

(9) There is no person or agency charged with focusing on the needs of Indian children that would compile information and develop comprehensive planning models adaptable to different regions.

Recently, Indian communities have become actively involved with these threats to their survival.8 In some instances tribal councils have established welfare committees to become involved in decisions pertaining to child neglect and dependency, and have adopted more stringent tribal codes governing child-welfare matters. Depending on the local circumstances, such active participation on the part of tribal groups has led to a reduction of off-reservation placements. Indeed, there are some innovative efforts by Indian tribes to find and support foster homes, establish group homes and residential centers for families, and provide for other child-care services.8 While there are some complex issues resulting from the various degrees of jurisdictional authority, the relationship with the BIA, the availability of assistance from the Indian Health Service (a section of the U.S. Public Health Service), and the local or state welfare departments, coordinated working relationships are possible. The major point here is that the tribal groups have made an effort to assume parental, and in many ways, grandparental authority over the families and children in their community. Indeed this corresponds to the increasing activity on the part of Native Americans to gain control over their own lives.

Recommendations

(1) The Bureau of Indian Affairs and state welfare agencies, which are the recipients of federal funds, should explicitly assert that a major goal of their work is to support the integrity of Indian families and communities. In the area of child placement, this policy would be implemented by recommendation No. 2.

(2) Options other than placement should be sought out and made available to Indian communities. These options should be integrated into a continuum of services under the general direction of the tribal government. The options would be flexible, i.e., capable of responding to the changing needs of an individual family. Such options might include (a) in-home help, such as homemaker care and home-counselor—child-rearers able to work within a family for extended periods of time; and (b) out-of-home help, such as pre- and after-school care, day care, respite service, group homes, and residential treatment facilities. Both kinds of support should be provided by Indian people or by personnel familiar with Indian culture who are trained in the psychological aspects of child development.

(3) When placement is considered, the child and his parents should each be represented by an advocate. This would help to insure that the interests of each are represented. It is important to keep in mind that these interests are not necessarily the same, and may be different from the state's interests.

(4) Decisions about the custody or placement of Indian children should be made under the auspices of Indian tribal governments. Agency personnel and professionals should be available in an advisory capacity, but they should not be decision-makers.

(5) The standards that govern these decisions should be developed and monitored by appropriate groups under the auspices of the tribe. Thus the fate of a child and his family would be determined by persons who share the child's and family's socio-cultural milieu.

(6) Monies for the support and care of children should flow through the tribe, rather than through the BIA and state welfare agencies. Funds should be available for innovative responses to the needs for child care—e.g., the funding of foster families at a rate reflecting their training, their experience, and the magnitude of the child's needs; the development of group homes; the establishment of family centers; the improvement of housing to allow for better child care; arrangements for subsidized adoption, etc.

(7) Judgments pertaining to child care and placement should be under systematic review. In every case the tribes should be the responsible agents for this ongoing process of evaluation. The goal of the process would be to insure that the service is providing the child with the least detrimental alternative.

(8) Within the BIA there are offices focusing on roads, business and economic development, relocation, etc. But there is no office, at any level, charged with focusing on the needs of Indian children. Since it seems likely that "children's rights cannot be secured
until some particular institution has recognized them and assumed responsibility for enforcing them,\textsuperscript{1} this issue should be explored.

These recommendations can be legislated by Congress. Indeed, the Association on American Indian Affairs has made very specific legislative recommendations that would enable broad implementation of similar policies.\textsuperscript{6,7}

States, also, can respond to the spirit of these new approaches. This is evidenced by recent developments in Wisconsin. There the American Indian Child Welfare Service Agency, with an all-Indian policy board, has been established with broad responsibility for supervising all child-placement decisions.

A recent book concerned with the complex issues of child placement highlights the importance of the issues involved:

\ldots by and large, society must use each child's placement as an occasion for protecting future generations of children by increasing the number of adults-to-be who are likely to be adequate parents. Only in the implementation of this policy does there lie a real opportunity for beginning to break the cycle of sickness and hardship bequeathed from one generation to the next by adults, who as children, were denied the least detrimental alternative.\textsuperscript{9}

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PARENT AND CHILD RELATIONSHIPS IN LAW AND IN NAVAJO CUSTOM

LEONARD B. JIMSON

Anglo-American law places in the father and mother of children important legal responsibilities for the well-being of the children. This care, and the maintenance of a home that is healthy for the children, is all a part of having custody over the children. Custody means that the parents also have the legal right and obligation to tell the child how to act if it means that he will be injured by his misconduct. Discipline is part of that legal right, although it is always different from pointless and excessive beatings that actually result in physical injury. Sometimes parents have emotional problems and cannot bear the important responsibilities of custody. They beat their children.

State laws require doctors to report evidence of "battered children" to the police and to welfare departments. The children may be removed and placed in the temporary custody of the state until the parent is given help with his emotional problems.

A two-step procedure exists for handing over custody to the state welfare department and the foster homes and parents that they provide.

The first step occurs when the welfare department shows to the court that a situation exists where there is neglect of the child's welfare, either because of a specific problem (as when a mother leaves an infant at home alone and then is arrested for disorderly conduct) or an extended situation in the home that can be proven by testimony of caseworkers who have visited there. Although the court may hear the case of the welfare department first and alone, and order it to act through its own employees or with the help of the police to remove the child from the situation of continuing danger to his health and morals, there is always a requirement that the parents be notified so that a full court hearing with both sides can take place. This hearing may result in the award of temporary custody to the welfare department until conditions

Excerpted from \textit{The Law of the People: A Bicultural Approach to Legal Education for Navajo Students}, Volume III. Copyright 1972 by the Ramah Navajo School Board.
have changed. The idea is that the welfare department will help the
parent or parents improve the living environment so as to get their
child back into the home.

What may happen, however, is that cultural, racial, and other fac-
tors may mean that there is very little mutual understanding between
the caseworker and his or her idea of a healthy living environment
and the ideas of the parents; between the caseworker's job and evident
authority and the role of the caseworker as viewed by the parent as a
kind of policeman who has taken his children from him.

The court is expected to hear both sides and neutralize these
differences by applying definitions such as abandonment, neglect, or
unfit parents to the facts. But, again, the process of the court can be so
foreign to a Navajo couple that they do not know how to make the
truth clear. The notice of a hearing is a complicated document to re-
ceive in a sheep camp in Monument Valley. Sometimes the sheriff
makes very little effort to locate the parents, and they never receive
notification until the date of the hearing has passed. Poor people who
are not lawyers do not know how to protest this, and caseworkers do
not tell them.

Caseworkers who work at low-paying jobs may not only be of a dif-
ferent cultural background, but may also be suffering from real de-

escusions about Navajo people. Some people call this sickness the “mes-

dian complex.” They are like missionaries who want to change Navajo
life, but who do more to disrupt it than to change it in any positive
way.

A specific case of this lack of help occurred in Farmington. An Indian
woman had to live as a housekeeper because she did not receive welfare
money for herself and her child. The man that she worked for would
call and complain when she left her child at her own house to go out
and work, but she had to do this or lose her job and the money she
needed to support her child.

The caseworker did not attempt to have her move and receive wel-
fare money in order to improve her home life. Instead, she took her
child for “neglect.”

After caseworkers decide that there is no possibility of creating a
home situation that is conducive to the children, they may petition
the court to terminate all parental rights. Again, the parents will get
notification and a hearing. If they do not have a lawyer, they will have
trouble understanding what exactly is happening.

The testimony of the welfare caseworkers invariably concerns the
failure of the parent to work with or to cooperate with them.

One answer to all of this might be to have more Navajo caseworkers
and Navajo judges to hear family problems.

The court also looks to see what is in “the best interests of the chil-
dren.” Although everyone would agree that this is a good standard
to apply, different people would use it in different ways.

A judge who thinks in terms of the comfort and stability of a middle-
class Anglo home may unconsciously think about this when he looks
at a Navajo hogan where people do not have these same comforts.
He may not see the importance of raising children to speak Navajo
or to know their own culture and religion, because he assumes that
all Navajos want to speak and think like Anglos, and this is best for
them.

In short, the way that the caseworker and judge look at family life
may be so different that Navajo people cannot ever satisfy them, even
though they also want to do what is in “the best interests of the chil-
dren.”

The problem of different government people who have different
ideas about what is right for children acting under the law for parents
is one that Navajo people have felt for many years. How many genera-
tions of Navajo children have been removed from their parents' homes
to live for years in dormitories and U.S. Bureau of Indian Affairs
schools? Only rarely did the teachers and dormitory administrators go
to Navajo parents and ask how the child should be taught to act, what
language he should speak, what he should learn there in the classroom
and outside of it.

Navajo parents at Ramah, for example, want their children to be
taught about the importance of clan relationships in social gatherings
at an early age. But few elementary school teachers know enough to
teach about this important subject in social relations.

Community controlled schools, such as the ones at Rough Rock and
Ramah, try to reflect in their teaching the things that are important
to life on the Navajo Reservation and in the Navajo world, and not
simply things for living in some city or in suburbia.

Navajo social workers and judges who hear child neglect and custody
cases might know the most important fact about family problems—
that Navajo relatives share the burdens of raising children and help
work out the problems together. They do not usually move far from
one another. Old people give guidance to Navajo parents and to their
grandchildren. They are not made fun of, as is often the case in Anglo
middle-class families.

The idea of hiring more Navajo social workers and judges for these
problems does have its faults. The qualifications (usually college
degrees) keep Navajo men and women from these jobs. Also, Indian
social workers and judges may be convinced that the old ways do not
apply. They may even have lost all respect for the old ways.

The case that follows is a true one. It shows the problems of a
family in Monument Valley who live in the traditional way, where old
and young share the responsibilities and the things that they own with
one another when some of the parents are having trouble with drink-
ing or with finding work. It also shows how the caseworker does not
really see how a Navajo family that follows custom works together.

CASE SUMMARY: LEROY GOODMAN AND HIS CHILDREN

In 1967, Leroy and his wife Lillie had two of their children taken
from them and placed in foster homes because the welfare department
decided that the way they were caring for them amounted to neglect,
the failure to take due regard for their health and well-being.

The evidence used in the hearing against them was that they had
been arrested for being drunk and that they had left their children
alone for two days. Neither the welfare department nor the court
realized that other family members in the sheep camp in Monument
Valley also had responsibility for the children, according to the tradi-
tional way.

Mr. Goodman and his wife did not understand the proceeding
very well. They complained about the interpreter, who was an em-
ployee of the welfare department. Mr. and Mrs. Goodman did not
respond to a notice about a second hearing because they did not under-
stand how to give their side of the case.

When the welfare department renewed their petition for custody,
they said that the father's whereabouts were unknown, that they had
heard that he had stopped drinking, and that “the father has made
no attempt to establish a home for the children.” Mrs. Goodman had
died.

Mr. Goodman had, in fact, taken an alcoholic treatment in Gallup.
He had a home with his father and mother and other relatives in
Monument Valley, a traditional Navajo camp. But the welfare depart-
ment expected him to have a separate home. They did not understand
it when he said that his mother would care for the children, because
this was not the Anglo way.

In 1969, the welfare department went to court and had the judge
order that the children be placed in schools out of the area. The judge
said that they could stay at the sheep camp in the summer, if they
wanted to. Mr. Goodman did not attend the hearing. Everyone's
opinion was taken into account except for his.

Later, the welfare department informed the court that the oldest
child did not want to go home. The social worker reported that she
had “adjusted well” to the foster home.

A frequent trick of the welfare department is to remove a child from
his natural home, report that he has adjusted well elsewhere, and then
argue that to remove him again to his own home will be “disruptive”
and confuse him. The social workers never argue that their own
removal was the disruptive element.

Foster homes are rarely Navajo homes. They are usually very attrac-
tive to Navajo children, however, since they expose them to material
luxuries that their own families cannot afford. The foster parent is
paid to take care of the child. Even if the foster home is a happy one
for the child, foster parents cannot adopt the children. Other people
will adopt them. Usually, these are non-Na
dio people. Because the
sheep camp is not a fancy place, it is hard to become parents of
adopted children if you live in one.

The social worker reported to the court, and later testified, that
the father had shown “no interest” in his children. The “interest” was
supposed to be shown by sending them presents (that Mr. Goodman
could not afford) or messages by way of the social worker (whom Mr.
Goodman did not trust, and in fact disliked, because he had taken
his children away).

The two younger children, who were not taken away, were said to
“have been in the care of various relatives and have received less than
adequate care.” This statement came from a man who visited the
sheep camp for only a few minutes at a time, and who did not under-
stand that in the Navajo family children are often cared for by other
children.

Finally, in July of 1971, the welfare department asked that the
parental rights, the legal rights and responsibilities of being a father,
be terminated for the two older children who had been in foster homes.
Termination means that children can be put up for adoption without
the permission of their parents, just as though their parents were dead.

Ask yourself these questions:

1) How had the father “abandoned” the children? Did this mean that just by not trusting the social worker who had taken
them he had abandoned them?

2) Was it the father's fault that his children had been in the
custody of the welfare department since 1967?

3) How would you get your children back if this happened to
you, and you had no help from a lawyer?

4) What would you do if this happened to you and if (a) the
social worker lectured you on drinking and did not listen to your
ideas; (b) you did not write well in English and had no telephone;
(c) you were unemployed and needed your money to take care of
children at home; and (d) no interpreter was provided for you
and you did not speak English very well?

The last point is most important. Ask yourself whether it was true
that the father did not have a home of his own and would be unable
to provide the necessary care for the well-being of his children. Was it necessary to "provide another appropriate permanent condition for them?" Could it be that the welfare department did not understand how Navajo families live and work together?

Three important legal statements told the story of this case. The attorney for the state welfare department argued that the court should act if it found (1) abandonment by the father, and (2) that he was an unfit or incompetent person in ways that were harmful to the children.

The attorney for the father and his family argued that the state welfare department did not show evidence sufficient to prove its claim.

The opinion of the court agreed with the father's attorney.

Discuss the following questions: Is it important to protect the rights of parents? Could Navajo judges and lawyers have been clearer in their understanding of the way this father felt about his children?

EXAMINATION OF DR. ROBERT BERGMAN IN THE LEROY GOODMAN CASE:

Richard Hughes, Attorney for Mr. Goodman
Dr. Robert Bergman, Expert witness on behalf of Mr. Goodman

MR. HUGHES: I will merely say that in my case we will attempt to show that neither by word, nor by thought, nor by act has LeeRoy Goodman abandoned his children, whose futures are at stake in this proceeding; that he has done nothing to evidence any intent to abandon them; and that, in fact, since the time they were taken from him, his only desire has been to recover them. We will further show that there is simply no evidence that he is an unfit father, or that he is incompetent to perform the responsibilities of a father; that, in fact, he could provide more than adequate fatherly care for these children; and that he could provide a healthful home environment for them. Your Honor, we have here today to testify Dr. Robert Bergman, of the United States Public Health Service. Dr. Bergman is testifying as an expert witness. Doctor, would you state your full name, please?

DR. BERGMAN: Robert Bergman.

MR. HUGHES: And what is your profession?

DR. BERGMAN: I'm a psychiatrist.

MR. HUGHES: Doctor, could you give us your educational background?

DR. BERGMAN: I received a Bachelor of Science degree from the University of Chicago and also a Doctor of Medicine degree from the same University. I served a rotating internship at the Cincinnati General Hospital and a psychiatric residency at the University of Chicago.

MR. HUGHES: And when did you complete your residency?

DR. BERGMAN: In July of 1966.

MR. HUGHES: And where are you now employed?

DR. BERGMAN: At Window Rock, Arizona.

MR. HUGHES: And would you tell us the position which you occupy presently?

DR. BERGMAN: I'm the chief of mental health programs at the Indian Health Service of the United States Public Health Service.

MR. HUGHES: In other words, you're directing mental health programs for Indian health services throughout the United States.

DR. BERGMAN: That's correct.

MR. HUGHES: That includes all Indian reservations where the Public Health Service has operations.

DR. BERGMAN: Yes.

MR. HUGHES: And how long have you held that position?

DR. BERGMAN: Two years.

MR. HUGHES: Doctor, is it true that you have been with the Public Health Service since you finished your residency?

DR. BERGMAN: Yes.

MR. HUGHES: And where have you spent that time?

DR. BERGMAN: My permanent station has been in Window Rock, so I've been on the Navajo Reservation, except that in the past two years I've spent a fair amount of time traveling to other reservations.

MR. HUGHES: But you have, as a general matter, spent the past five years in and around the Navajo reservation?

DR. BERGMAN: Yes.

MR. HUGHES: And what has been the nature of your contacts with Navajo people in these five years?

DR. BERGMAN: I've worked with many Navajo problems, I have consulted with many Navajo teachers and other officials, Navajo groups, and I have treated in psychotherapy a number of Navajo patients.

MR. HUGHES: Have you had occasion to visit families on the reservation; or do you see them only in your office?

DR. BERGMAN: I fairly frequently visit friends who live on the reservation, and I have, on a number of occasions, treated patients and their families in their homes.

MR. HUGHES: Doctor, as a result of your acquaintance with Navajos, professionally and otherwise, how would you describe your own personal knowledge of Navajo family tradition and Navajo culture? Would you say that you're well qualified to speak on those subjects?

DR. BERGMAN: I don't think that I have the detailed knowledge that some anthropologists have, but I think I'm pretty familiar with Navajos and their life.
MR. HUGHES: Dr. Bergman, now, as a general matter, are you familiar with the culture of the Navajo, the family camp?

DR. BERGMAN: Yes.

MR. HUGHES: Could you, in brief terms, describe to us what a family camp is, and how it runs, and what the relationships are which exist among the persons who reside in a camp?

DR. BERGMAN: Well, there's a great deal of variation, but ordinarily a camp consists of a number of people living together who constitute an extended family. In the ordinary case, if there is such a thing, the camp consists of a middle-aged or elderly couple with some of their children, usually daughters, and their families living in a number of hogan or other structures together, and cooperating economically and in many other ways, especially in the care of children.

MR. HUGHES: Could you elaborate on the care of children, and how it normally is handled?

DR. BERGMAN: One of the most significant differences between Navajo family structure and that of ordinary middle-class Americans is the relationship of the child to a number of caring people. In general, the relationship to aunts and uncles is much more important in the Navajo family than it is to the middle-class American family. A great deal more responsibility is given to other members of the extended family, and there is considerable attachment of the child to the entire group.

MR. HUGHES: Would you say, then, that the role which the parent plays in the white American family is shared by a number of people in the camp?

DR. BERGMAN: Yes.

MR. HUGHES: Assuming a situation where there was a camp in which there was an elderly couple with, as you say, a number of their children and their families, what would be the relationship of the grandparents of the children to the children who live in the camp?

DR. BERGMAN: They would serve as models that the children would follow in their behavior—teacher, probably the final authority to which the children could appeal. In the ordinary good family they would be the leaders of the group, and the most respected people.

MR. HUGHES: And how, in your experience, do those individuals, the grandparents—how do they accept their role? Are they eager about their role as being the main teachers, or do they accept it more passively?

DR. BERGMAN: I think the ordinary Navajo grandparents are very ready to serve these functions for their children, and very anxious to.

MR. HUGHES: Doctor, taking a hypothetical situation of a family camp where there is an older couple and several of their children and their families, if a son of this family, of this couple, had several children but had no wife, by reason of death or other reasons, in the normal situation who might normally be expected to care for the children of this one son?

DR. BERGMAN: Either his wife's family or his family, presumably his sisters and brothers-in-law, and his parents.

MR. HUGHES: If this individual were to express an expectation that his parents or his sisters should care for his children, in your opinion would that, within the Navajo culture, constitute a dereliction of his parental responsibilities to those children?

DR. BERGMAN: No. On the contrary, I think that would be what would be expected and proper.

MR. HUGHES: This might be a little hard to answer, but considering that hypothetical situation a little bit further, what normal role would that individual, that son—what role might he occupy in the family camp? If this question is just too general to answer, please say so.

DR. BERGMAN: I can say a few things. He would be expected to contribute economically to the family, either by helping with important tasks around the camp, or by holding a job somewhere and bringing home money and groceries, and whatever else is necessary. He would take part in group decisions about what the camp is supposed to do about various problems, and would be an important person to his children.

MR. HUGHES: And, to the extent that he did participate in this way in the life of the camp, would, again in the Navajo culture—would he be considered to be fulfilling his responsibilities as a parent and father and member of the extended family?

DR. BERGMAN: Yes.

MR. HUGHES: Doctor, to change the subject a little bit, as you are aware, many Navajo families are split up, with the children far away from parents for lengths and periods of time, for various reasons, throughout the year, for schooling and so forth. Could you comment briefly on communication between Navajo families who live in a traditional way and children who are frequently far from home?

DR. BERGMAN: It's very difficult, because not very many members of the older generation of such families are fluent enough in English and at ease enough with writing and reading it that they can communicate well or easily by mail. Many patients and friends have remarked to me that when they were away at school or in the army they frequently wrote home themselves, but didn't receive any mail from home because there was nobody who was used to writing.

MR. HUGHES: Did they regard this as normal, or were they annoyed?
DR. BERGMAN: I think a little of both. I think it would be expected, but I think in some cases they wished that somebody knew how to write them.

MR. HUGHES: With that same situation, are you familiar with the feelings of families towards children, or other relatives, close relatives, who are far away?

DR. BERGMAN: Well, I know many people whose children are off in the army or off at school or something of the sort. I think most of them feel very deeply the separation and feel quite sad at the departure of children, and lonely for them when they're away. I think often the children away are not talked about very much, because it's a little painful. Navajo families, I think, integrate close.

MR. HUGHES: So, the family ties are very close, as a general rule?

DR. BERGMAN: Yes.

MR. HUGHES: Doctor, have you, in the course of work, done any—had any professional responsibilities associated with alcoholism?

DR. BERGMAN: Yes, many of my patients come to me because of their drinking problems. I have served as a consultant to a number of alcoholism treatment programs. Within the program which I direct there are several alcoholism treatment programs.

MR. HUGHES: Are you familiar, then, with case histories, especially where treatment was attempted, with subsequent results?

DR. BERGMAN: Yes.

MR. HUGHES: In your experience, where a person who has been a serious alcoholic undergoes treatment and then for a period of, say, two years abstains from alcohol, what would you say the chances are of being a success, in the terms of winning the battle, in effect, against alcohol in the future?

DR. BERGMAN: In general, such a person has a very good chance of remaining sober after that length of time. I think that's particularly true for our Navajo patients, that the critical period is between six months and a year. When people are past that point, the likelihood of their holding, of their remaining sober is quite good.

MR. HUGHES: The critical point, you say, is between six months and a year. After the end of treatment?

DR. BERGMAN: Yes. After the end of hospitalization or some kind of in-patient treatment.

MR. HUGHES: And when such a case fails, in other words, when there is a backsliding, can you describe whether it's normally a rapid plunge back into heavy alcoholism, or is it sometimes very gentle? What is the normal case?

DR. BERGMAN: Well, there's a great deal of variation. There are a number of people who, after remaining sober for some time, will occasionally begin to drink, and things may be very bad for a period of time, from anywhere from a few days to perhaps a few months; and then they stop again. Hopefully, if a particular treatment is continued, the periods between such lapses will increase, and the length of the periods of drinking will decrease.

MR. HUGHES: Is that kind of thing likely to continue for any length of time in several years, or—

DR. BERGMAN: Well, it's very hard to predict this sort of thing. Some research that has been done on the Navajo Reservation has shown a very surprising, compared to similar research elsewhere, a surprising percentage of people who stop and never even start again, particularly people who've been drinking for, oh, ten or fifteen years.

MR. HUGHES: I think there's nothing else.

THE COURT: Did I properly understand your testimony, Doctor, in saying that some of these projects you've worked in, the research indicated that there's a better recovery date—would that be a way of expressing it?—among some Navajo alcoholics than—

DR. BERGMAN: Yes.

THE COURT: Did you determine in your association with these people a difference in the way a father—I'm referring to Mr. Hughes' hypothetical question about the role of a son who has children but no wife, and lives in a family camp—would you detect a difference among the Navajo culture in the way the expression of feelings, or the way this father would react in relation to his children, than in the conventional Caucasian home, white home?

DR. BERGMAN: Yes, I think there are some differences.

THE COURT: Around the issue of to what extent they show affection, or in what ways they might show affection, or in what ways they might deal with these children?

DR. BERGMAN: Well, I think that Navajo families are certainly as affectionate as any other families. I think the paternal role, like the maternal one, is shared more, so that, among a white middle-class American family, certain things that would seem to be dereliction would be more expected or accepted among Navajo families, because there is greater sharing, and because there is more expectation, for example, that the father might be absent from the home for a time, particularly if there were some economic reason.

THE COURT: What if the children were away and removed, and the father didn't contact them or do things that would be ordinarily expected of a father who was interested in them and affectionate for them in white culture, would you say this was not a significant indication of lack of interest?

DR. BERGMAN: It would depend on the circumstances—where the children were, how easily he felt he could communicate with them. To give an example of what I mean, as part of my program, I operate
as part of a boarding school, a dormitory where two hundred Navajo children live. In one of our great efforts to help the parents to feel comfortable in the school, so that they will visit their children more often, we realized after a while that many of the parents felt so much anxiety and discomfort in the school that they came less frequently than they wanted to. When they found that they were welcome and that we wanted them to come, they came more often and more readily.

THE COURT: They were apprehensive, then, in doing what they wanted to do, in view of the circumstances they found themselves in.

DR. BERGMAN: Yes.

THE COURT: They were not conversant or capable of communicating in the sense of expressing these feelings until someone recognized them.

DR. BERGMAN: Well, I think they had a feeling that the school was awfully foreign and forbidding place and proven experiences with other white institutions made them feel that they might not be welcome inside.

THE COURT: I have no more questions.

INDIAN CHILDREN AND TRIBAL GROUP HOMES: NEW INTERPRETATIONS OF THE WHIPPER MAN

JAMES H. SHORE & WILLIAM W. NICHOLLS

An old custom among the Plateau Indians of the Pacific Northwest exemplified community responsibility for child care. The tradition concerned an individual called the Whipper Man, who was outside the immediate family. The Whipper Man was highly respected by the elders and the young. He was chosen by tribal leaders and relatives on the basis of development of character beyond reproach. The Whipper Man functioned in the role of disciplinarian. He punished youngsters if they were disrespectful to elders. This discipline was administered in a very positive sense and was understood by young and old. The whip he used hung over the door or on the w-11 of each home and was an omnipresent symbol reminding children that the Whip Man might be coming.

In July 1973 an Indian interpreter was asked to explain the development of the tribal child-care program to a general council meeting of a Plateau tribe from central Oregon. The interpreter explained that the new child-care program was like going back to the old way, when there was a Whipper Man not connected with the immediate family who came and disciplined the children. The child-care center was seen as taking up the Whipper Man's role in the village as a nonfamily participant in child-rearing practices who was sanctioned by the community. The general council, which is basically an open community meeting, voted overwhelmingly to approve the budget request for the child care program.

The new mental health program, developed within and supported by the Indian community, was seen as being compatible with ancient Indian tradition. It became part of a culture in which the responsibilities of the extended family and of the community were as important for child rearing as the immediate responsibilities of the nuclear family.
Foster Placement of Indian Children

In a report of the Association on American Indian Affairs, Byler commented extensively on the legal process that permits the placement of children declared neglected, delinquent, or abused in foster families or institutions. His main point was that this process causes the destruction of Indian families. He stated,

A survey of states with large Indian populations . . . indicates that 25-35 per cent of all Indian children are removed from their families and placed in foster homes, adoptive homes, or institutions—and over recent years the problem has been getting worse. . . . Recognizing that in some instances it is necessary to remove children from their homes, [tribal leaders] argue that there are Indian families within the community that could provide excellent care.¹

In several Pacific Northwest Indian communities, 15 to 25 per cent of the population under 18 years of age are not living with their natural parents. Many of these children are placed in a non-Indian foster home off the reservation.

A Tribal Youth Home

After two years of extensive planning, the Plateau tribe from central Oregon opened a children's group home. This service had been developed under the supervision of the tribal council with mental health consultation from the Indian Health Service and support from other agencies. A child neglect committee of community participants had been functioning for several years with official tribal council endorsement and had established a precedent for community initiative in making decisions for the placement of Indian children.

At the time the group home opened, there were 219 Indian children under the age of eighteen who were not living with their natural parents. These children were part of the total population of children under eighteen years of age of approximately 800. The children in placement represented 28 per cent of the total youth population. Of this number, 74 (34 per cent) were in foster care with the state children's service agency, 47 (21 per cent) were in boarding schools, and the remainder were in other off-reservation placements or tribal foster homes. Local homes were not licensed as foster homes and therefore received few if any services. Children were removed from their family homes because of complaints of neglect or abandonment. In 1971 and 1972 the numbers of Indian children placed under foster care were 40 and 30, respectively.

The tribal child care services were developed to include intensive outreach family counseling in addition to the group home for Indian children. The group home was designed to provide short-term sheltered care, long-term placement, counseling, and minor medical treatment for Indian children ranging from one to eighteen years old. Staff for the group home and the outreach family counseling program were 90 per cent Indian. In the first 12 months of operation, 246 Indian children from 135 families were placed in the facility. This represented 20 per cent of all reservation families. The children ranged in age from two and one-half weeks to nineteen years. Problems related to excessive drinking by the parents accounted for greater than 90 per cent of the placements. However, child abuse and the battered child syndrome were virtually unknown. Child behavior difficulties, such as juvenile delinquency and runaway reactions, as well as significant medical problems accounted for the remainder of the placements.

In the five years before the establishment of the tribal group home, a large number of Indian children under the age of eighteen had been detained in the tribal jail for acts of delinquency. These children numbered 77 in 1967, 98 in 1968, 121 in 1969, 118 in 1970, and 120 in 1971. In one case the length of detention was 32 days. At least 25 per cent of juvenile arrests were for a drinking violation. For many others, delinquent behavior was associated with the drinking problem of one or both parents. Although referrals to jail have continued since the opening of the tribal child care center, the average length of stay has been reduced to one day. Many children are referred immediately from the jail to the center; others bypass the jail entirely.

In our clinical experience on this and other Indian reservations, we have encountered a sense of hopelessness and despair in working with Indian parents about the problems of alcohol misuse and child neglect. Once placement of the children has been initiated, Indian parents often withdraw, become depressed, and begin or resume intensive drinking. This process is interpreted by the non-Indian outsider as further lack of concern for the children and as additional evidence of instability.

The development of a community resource where children can be adequately cared for in close proximity to their parents is an essential step in developing a program for better child care. This must be combined with an outreach program using Indian counselors to keep parents involved. The decision to place Indian children is made in our program by the Indian community. Due process is upheld through the tribal courts. If placement is necessary, the impact is minimized by a clearly stated policy of returning children to their own families within a short period of time. Although some children may need off-reservation placement in individualized treatment plans, the initial success of the program is highlighted by a dramatic reduction of off-reservation referrals. Since the opening of the children's group
home in January 1973, only one Indian child has been placed off the reservation in a non-Indian foster home. More Indian families have received outreach services before placement was indicated than were served before the home was established. Many families now receive services long before issues of custody or placement become important. Most children referred to the group home have been returned to their parents, who are receiving outpatient follow-up services. Some children have been placed in reservation-sponsored foster homes on the reservation.

**DISCUSSION**

We are beginning to see the development of child-care programs under tribal sponsorship in other regions of the country. Plans for such programs are currently being made by the Sisseton-Wahpeton Sioux Tribe, the Rosebud Sioux Tribe, and the Oglala Sioux Tribe of South Dakota and by the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota. These tribes are developing comprehensive child-welfare programs and tribal ordinances that will increase community control over the placement of Indian children. State agencies are also being asked to adapt state licensing standards to meet the expressed needs of Indian communities so that more American Indians can qualify as foster parents.

Since referral to an Indian boarding school is another method of responding to the pressure of Indian youth in crisis, it is not surprising that adjustment to boarding school is significantly affected by alcohol abuse. Of the 47 students referred to boarding school from our Oregon tribe in 1972, 28 were enrolled because of a problem with excessive drinking in a parent. There were 12 dropouts in this group. Seven students dropped out or were dismissed because of their own involvement with alcohol at school.

Swanson and associates described the pattern of alcohol abuse in another tribal population of Indian children. They concluded that peer group pressure and a parental history of alcoholism were significant factors among Indian children with severe abuse patterns. Bergman and Goldstein described the development of a model dormitory for Navajo boarding school students. Their program emphasized an increased staff-student ratio and development of sensitivity to the interpersonal needs of Indian children. Results clearly indicated that in such areas as intellectual, emotional, and physical development, the children in the model dormitory were significantly superior to those in the control dormitory.

Saslow and Harrover discussed identity problems of American Indian children and concluded that effective educational programs must emphasize the development of adequate psychosocial adjustment. They described the school dropout phenomenon for Indian youngsters between the fourth and seventh grades, when a decline in academic achievement sets in. Bryde reported personality differences between Indian and white students as indicated by the MMPI among the Oglala Sioux Tribe. He stated, "Notable among the more meaningful variables among the Indian students] were feelings of rejection, depression, anxiety, and tendencies to withdrawal, plus social, self, and emotional alienation."

These feelings, which affect school adjustment, will not be changed through better education programs unless the cycle that disrupts Indian families is broken. Family stability is the essential link in constructing a chain of preventive adjustments. The children's group home and the family outreach program under tribal sponsorship is one approach that begins this process within the cultural values and political sanctions of the Indian community.

**REFERENCES**

TRIBAL RESOLUTIONS

NATIONAL CONGRESS OF AMERICAN INDIANS

Social services to Indian families and children are the worst in the nation. Historically, the thrust of the services has been to separate families and eventually breakdown Indian family life. This ultimately means the dissolution of Indian communities. Recent Senate Subcommittee hearings highlighted and documented the tragic experiences of Indian children who have been torn from their families and placed in alien settings. Indian families have not been accorded the same privileges as non-Indian families to adopt Indian children. Indian people have encountered great resistance to their use as foster parents for Indian children. Bureau of Indian Affairs (BIA) contracts with states have been the basis for this damaging and discriminatory practice. Programs for Indian children and their families must be planned and implemented by Indian people themselves.

To remedy the many problems that exist in Indian child-welfare services the following resolution is submitted.

WHEREAS, There is a serious crisis in social services to Indian families and children resulting in (1) placement of Indian children in non-Indian foster homes; (2) adoption of Indian children by non-Indian parents; (3) eroding of traditional life and custom and eventual breakdown of Indian family life; and (4) absence of supportive services to families as they experience problems in daily living;

NOW THEREFORE BE IT RESOLVED THAT:

(1) In the restructuring and revamping of federal services 80 per cent of the BIA social services budget be made immediately available to tribes through contractual services.

(2) The Commissioner of Indian Affairs be directed to negotiate with the Department of Health, Education and Welfare (HEW) to arrange direct social services funding to tribes.

(3) NCAI establish a permanent social services committee to ad-

dress social welfare concerns of Indian people, and this committee be empowered to meet directly with appropriate federal, state and local agencies to resolve these concerns.

(4) That committee work directly with tribes seeking repeal of child-welfare jurisdictional sections of Public Law 83-280.

(5) An Indian Desk for Social Services be established within HEW to monitor and evaluate child-welfare services delivered through that department including foster care and adoption licensing.

(6) Current child-welfare contracts between BIA and states be evaluated to determine their appropriateness with immediate steps taken to use Indian people in the provision of those services presently provided by states.

(7) A nationwide Indian child-placement agency be established as an outgrowth of this committee.

(8) Information regarding relationships and ancestry be given to Indian persons who have been adopted.


RESOLUTION OF THE NAVAJO TRIBAL COUNCIL

Tribal Policy on Adoption of Navajo Orphans and Abandoned or Neglected Children

WHEREAS:

(1) By Resolution No. CN-63-60 the Navajo Tribe has established a procedure for adoption of members of the Tribe who are brought in person before a court of the Navajo Tribe, and said resolution is applicable to adoptions either by Navajos or non-Navajos, provided the child is a member of the Navajo Tribe and is brought in person before the Tribal Court.

(2) By Resolution CN-60-56, the Navajo Tribe has specified the following ground among those authorizing removal of any non-Navajo from Navajo tribal land: "Removing or attempting to remove any Navajo minor from the Navajo Reservation without prior approval of the Advisory Committee of the Navajo Tribal Council, except for the purpose of attending school under a non-sectarian program approved by the Bureau of Indian Affairs."

(3) Heretofore the Navajo Tribal Council has not established a definite policy either in favor or in opposition to the adoption of Navajo children by non-members of the Tribe.

NOW THEREFORE BE IT RESOLVED THAT:

(1) The Navajo Tribal Council favors the formal adoption of Navajo children in accordance with the provisions of Resolution No.
CN-65-60 in all cases where the parents of such children are dead or where said children are being regularly and continuously neglected by their parents, or where the parents have abandoned said children. The Navajo Tribal Council looks with disfavor upon informal arrangements for the custody of such children except for temporary periods pending their formal adoption.

(2) In the cases referred to in the preceding section of this resolution, the Navajo Tribe neither favors nor disfavors adoption of Navajo children by persons who are not members of the Navajo Tribe, but states as its policy that each case shall be considered individually on its own merits by the Trial Court of the Navajo Tribe.

(3) The Navajo Tribe looks with disfavor upon the adoption of Navajo children by non-members of the Tribe in cases where the parents of the children are living, in good health, and have not abandoned or continuously neglected said children.

(4) The Navajo Tribe condemns the removal or attempted removal of any Navajo minor from the Navajo Reservation by any non-member without the prior approval of the Advisory Committee, except for the purpose of attending school under a non-sectarian program approved by the Bureau of Indian Affairs, provided however, that the Navajo Tribe does not condemn the removal of Navajo children from the Navajo Reservation by their adopted parents pursuant to a final judgment of adoption rendered by the Trial Court of the Navajo Tribe pursuant to Resolution No. CN-65-60 or pursuant to a temporary custody rendered by the Trial Court of the Navajo Tribe under said resolution.

(5) Subparagraph O of paragraph 2 of Resolution CN-60-56 (Navajo Tribal Council Resolution, 1956, p. 168) shall not apply in cases where a Navajo minor is removed from the Navajo Reservation by its adopted parents, or by persons who have received custody of such child pursuant to an order of the Trial Court of the Navajo Tribe.

(6) The Chairman of the Navajo Tribal Council is hereby directed to cause an investigation to be made of missionaries and other non-Navajo persons who may have been violating said subparagraph of Resolution No. CN-60-56, and where there is ground to believe that such missionaries or other persons propose to continue violating said subparagraph, to cause them to be excluded from the Navajo Reservation. In case such missionaries or other persons operate from islands of fee-patent land on the Navajo Indian Reservation, the Chairman is nevertheless authorized, in accordance with the procedure prescribed in section 6 of said resolution, to have said persons physically removed from Navajo Tribal land.

Adopted November 18, 1960.

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**STANDING ROCK SIOUX**

Whereas, the Standing Rock Sioux Tribe is advised that the Tribal Court is authorizing the placement of Indian children either temporarily or permanently beyond the exterior limits of the Reservation; and

Whereas, this is contrary to the policy of the Tribe and wishes of the people of the Tribe that Indian children be removed by the Court from the Reservation; and

Whereas, there is serious doubt as to the authority of the Court to authorize the removal of the children from the Reservation.

NOW THEREFORE BE IT RESOLVED, that the Tribal Court is requested to limit its judgments and actions to matters within the exterior boundaries of the Standing Rock Reservation and not to place or authorize the placement of any Indian children either temporarily or permanently outside of the boundaries of the Standing Rock Reservation.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be handed in person to the County Social Worker, to the Bureau of Indian Affairs Social Worker, and a copy shall be transmitted to the Superintendent, to the Area Director and to the Commissioner of Indian Affairs.

Adopted February 2, 1972.

**SISSETON-WAHPETON SIOUX**

Whereas, The Sisseton-Wahpeton Sioux Tribe is interested in the well-being of all the enrolled members of the Tribe; and

Whereas, Minor children of Sisseton-Wahpeton descent have been placed in non-Indian foster and adoptive homes all over the United States;

Whereas, The Tribal Council is in the process of researching the sovereign status of the tribal entity in respect to its jurisdiction as stated in the constitution of the Sisseton-Wahpeton Sioux Tribe; and,

Whereas, It is the intent of the Sisseton-Wahpeton Sioux Tribe to establish its own method of social and economic development and well-being of the enrolled members; and,

Whereas, It is the strong feeling of the tribal council to “make every stand possible to keep these children on the reservation” (minutes of June 6th council meeting) and “the tribal council would like these children to be placed in an Indian licensed home until an Indian home can be found for them to be adopted;”

Therefore, be it resolved, that Mr. Bert Hirsch, legal counsel from the Association on American Indian Affairs, will stand on these grounds in his argument in Roberts County Court on July 7, 1972 and future cases of this nature.

Adopted July 6, 1972.
THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD RESERVATION

WHEREAS, Many of our Indian children are being placed in foster homes off the Reservation and in non-Indian homes; and,

WHEREAS, It is the Tribe’s opinion that our children in need of foster home placement will adjust to placement in an Indian home more readily;

NOW THEREFORE BE IT RESOLVED by the Tribal Business Council of the Three Affiliated Tribes that all agencies involved with the placement of Indian children in foster homes place such children with Indian families wherever and whenever possible.


OGLALA SIOUX

WHEREAS, Many of our Oglala Sioux Indian children have been placed in foster-home care with non-Indians; and

WHEREAS, This placement of our Indian children has resulted in many cases in adoption of our Indian children to non-Indian people, thus causing our Indian children to lose their identity as Oglala Sioux; and

WHEREAS, We have many Oglala Sioux parents who are capable and qualified to properly care for our Indian children, making it possible for our Indian children to associate themselves with their own race and learn their own culture; and

WHEREAS, If our Indian children are placed with members of our own race, not only will our children benefit by this association but it would also be an incentive for the Indian families to assume responsibility and develop themselves to a point where perhaps in time they can become self-sufficient; and

WHEREAS, The State Welfare Department and the BIA Welfare Department have both stated, that they would continue to place our Indian children in non-Indian homes for foster care purposes, unless they received a direction from the Oglala Sioux Tribal Council;

NOW THEREFORE BE IT RESOLVED by the Oglala Sioux Tribal Council in Regular Session on this 17th day of August, 1972, that, the Tribal Council feels that in order to protect the rights of the children and to encourage the concern of the adult members of the Tribe, that henceforth the placement of Indian children with non-Indians by the State and BIA Welfare Departments cease.

BE IT FURTHER RESOLVED, that the Crazy Horse Planning Commission take immediate steps to develop a Foster Child Care Program and to further initiate a study for family development.

NOTES ON CONTRIBUTORS

THE HONORABLE JAMES ABOUREZK is United States Senator from South Dakota and Chairman of the Senate Subcommittee on Indian Affairs.

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WILLIAM BYLER is Executive Director of the Association on American Indian Affairs, Inc.

DANE COOLIDGE, an author and field collector for the British Museum and U.S. Biological Survey, addressed the affidavit printed in this book to the Indian Investigation Committee of the U.S. Senate on November 12, 1930.

ALAN GURWITT, M.D., is Associate Clinical Professor at the Yale Child Study Center, New Haven, Connecticut, and Co-chairperson of the Committee on the American Indian Child of the American Academy of Child Psychiatry.

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